

No. 10148

United States

*Vol 1*

Circuit Court of Appeals

For the Ninth Circuit.

*2309*

*see Vols*

*2307 + 2308*

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

vs.

J. G. BOSWELL COMPANY and CORCORAN  
TELEPHONE EXCHANGE,

Respondents.

Transcript of Record

In Seven Volumes

**FILED**

VOLUME VI

**SEP 15 1942**

Pages 2435 to 2943

**PAUL P. O'BRIEN,**

**CLERK**

Upon Petition for Enforcement of An Order of the  
National Labor Relations Board



No. 10148

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National Labor Relations Board





(Testimony of Samuel Brenes.)

Cross Examination

(Continued)

Q. (By Mr. Clark) First I will ask you, Mr. Witness, if you will examine this original letter dated January 11, 1939, that Mr. Walsh has just handed me, and tell me whether or not that is the original of the letter we have been discussing.

[1953]

A. (Examining document) Yes, sir.

Q. And did you sign it? A. Yes, sir.

Q. Very well.

On or about the date it bears?

A. Yes, sir.

Mr. Clark: The letter reads as follows, Mr. Examiner:

“Corcoran, California

“January 11, 1939

“National Labor Relations Board

“Twenty-First Region

“610 South Main Street

“Los Angeles, California

“Gentlemen:

“We understand that the American Federation of Labor is pretending to represent the employees of the J. G. Boswell Company of Corcoran and Tipton, California.

“Please be advised that more than 95 percent of the employees are members of the J. G. Boswell Company Employees' Association of

(Testimony of Samuel Brenes.)

Corcoran and Tipton, which was organized November 28, 1938, under the National Labor Relations Act, with constitution and by-laws which you are invited to inspect.

“We want no interference on the part of the American Federation of Labor. Our members are of the unanimous opinion that their purposes can best [1954] be served through the local organization without outside interference.

“Very truly yours,

“J. G. BOSWELL COMPANY  
EMPLOYEES’ ASSOCIA-  
TION OF CORCORAN AND  
TIPTON

“GOVERNING BOARD——”

Will you please tell us whose signature the first one is? [1955]

Trial Examiner Lindsay: If he knows all the signatures, let him read them.

Mr. Clark: I can read the rest of them probably quicker.

The Witness: J. W. Hubbard, O. W. Busbee, R. B. Lloyd, S. F. Brenes, W. F. Willoughby, E. M. Roberson.

Q. (By Mr. Clark) Did you ever get any response to that letter that you remember except a complaint in this action?

A. I don’t believe so.

Q. Now——

Mr. Mouritsen (Interrupting): May I ask a

(Testimony of Samuel Brenes.)

question on voir dire about that?

Mr. Clark: Surely.

Voir Dire Examination

Q. (By Mr. Mouritsen) Do you handle the correspondence in this organization, Mr. Brenes?

A. No, sir. The secretary does.

Q. In fact, you don't have anything to do with the correspondence, isn't that correct?

A. Except indirectly.

Cross Examination

(Continued)

Q. (By Mr. Clark) Well, you signed the letter which I have just read, didn't you? A. Yes.

Trial Examiner Lindsay: That is in the record. Proceed.

Mr. Clark: Very well. [1956]

Q. Now, on your direct examination, Mr. Brenes, you told Mr. Mouritsen that so far as you could remember, there never had been any committee appointed to take up the matter of labor relations with the Company, and that no contract or working arrangement had been entered into between the Employees' Association and the Company.

Do you remember that testimony?

A. Yes, sir.

Q. I am correct in stating, however, am I not, that there was a communication to the Company concerning the obtaining of employment for the

(Testimony of Samuel Brenes.)

members of your Association?           A. Yes, sir.

Q. In that regard, I want to direct your attention to the minutes of the special meeting of the Board, of the Governing Board, called on February 17th in this year, and I will ask you whether I am correct in stating that the following motion was made and carried at that meeting:

“After a lengthy discussion a motion was made to investigate the possibility of finding employment for any member who was laid off due to lack of work around the plant.

This motion was made by S. F. Brenes, and seconded by R. B. Lloyd.

“It was also suggested that any man being laid off should contact Mr. Hubbard and register his name.”

That took place at that meeting, did it not?

[1957]

A. Yes, sir.

Q. And subsequently, at a meeting of April 13th, 1939, will you tell us whether or not a further motion was made by you, and seconded by Mr. Nichols, as follows:—

Mr. Mouritsen (Interrupting): I will object to the reading of this upon the ground it is outside of the scope of Mr. Clark's authority in this matter, as defined by himself; that it is not probative of any of the issues as to whether or not there is a connection between this organization under investigation and the J. G. Boswell Company, and Mr.

(Testimony of Samuel Brenes.)

Clark has stated that his only purpose in objecting to questions asked this witness and to any cross examination that he is making—I submit that this examination is beyond that scope.

Mr. Clark: This bears directly upon the contention which is made by inference, Mr. Examiner, upon the part of the Board that this Association is a mere sham and has served no purpose whatsoever, so far as the employees are concerned. That is the only thing which could be in the minds of these gentlemen by trying to point out that no contract was ever entered into between the Association and the Company. I am attempting to show what was done, so far as the betterment or so far as the help to the members of the Employees' Association are concerned.

Now, so far as the method of doing this is concerned, I will call your Honor's attention to this fact, that I objected [1958] to this very manner of examining this witness on Mr. Mouritsen's examination, and I was overruled, and he stood here and read from these minutes and asked the question.

Now, I am asking only the same privilege.

Trial Examiner Lindsay: Just a moment. Mr. Clark, you were not overruled. I directed at that time that Mr. Mouritsen hand the document that he had in his hand back to the witness, which he did do, and then he questioned the witness while the witness held the document in his hand on material relevant to it.

(Testimony of Samuel Brenes.)

Those are the facts in the record.

Mr. Clark: And Mr. Mouritsen looked over his shoulder and framed his questions.

Trial Examiner Lindsay: You had the book in your hands.

Mr. Clark: You hold it, then.

(The document referred to was passed to the witness.)

Trial Examiner Lindsay: Now, just a moment.

I believe that attorneys, at least, should be cautious about making statements of those types for any record. Now, an attorney has the right to object, and I am affording that right. I haven't ruled on the matter yet, before you started talking, Mr. Clark. In fact, I didn't have a chance to rule.

Now, will you read back the objection, Mr. Reporter, the objection and the question?

(The record referred to was read by the reporter, as [1959] set forth above.)

Trial Examiner Lindsay: You do not contend, Mr. Clark, that there is a contract?

Mr. Clark: No, I don't, but I do contend this organization is bona fide, and I do point to that which it has done for the benefit of its members, as evidence of the fact that it is genuine.

Trial Examiner Lindsay: Well, are you putting yourself in the position of representing the Independent?

Mr. Clark: Absolutely not. These questions are asked on behalf of—



(Testimony of Samuel Brenes.)

Trial Examiner Lindsay (Interrupting): May I see that document?

Mr. Clark (Continuing):—the respondents in this proceeding. So far as I know, the Employees' Association is not represented. [1960]

Trial Examiner Lindsay: They have a right to be represented if they so desire and I gave them that privilege.

Mr. Clark: And they said they didn't want to be.

Trial Examiner Lindsay: They said they didn't.

Mr. Clark: The paragraph I had in mind—

Trial Examiner Lindsay (Interrupting): I will find it.

Mr. Clark (Interrupting):—is the third paragraph.

Very well.

(The document referred to was passed to  
Trial Examiner Lindsay.)

Mr. Clark: May I make a further statement to your Honor with regard to one of the allegations in the pleading?

Trial Examiner Lindsay: What one?

Mr. Clark: I will direct your attention to paragraph 15 which appears on page 4 of our copy of the fourth amended complaint, or rather the amended complaint, paragraph 15.

It says: "On or about——"

Trial Examiner Lindsay (Interrupting): Wait a minute. I haven't given you the privilege, yet.

(The document referred to was examined by  
Trial Examiner Lindsay.)

(Testimony of Samuel Brenes.)

Trial Examiner Lindsay: You may read it if you wish.

Mr. Clark: Very well.

Now, may I have my question down as far as it went before the objection? [1961]

Trial Examiner Lindsay: Bearing in mind I haven't ruled as yet on the objection.

Mr. Clark: I understand.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: Now I will begin the question over, Mr. Reporter.

Q. Now, will you tell us then, Mr. Brenes, whether or not subsequently, on April 13, 1939, a further motion was made by you and seconded by Mr. Nichols directing the secretary of the Employees' Association to write the company, that is, J. G. Boswell Company officials——

Mr. Mouritsen (Interrupting): Mr. Examiner, I submit——

Mr. Clark (Interrupting): Just a minute, please.

Mr. Mouritsen (Continuing): This is an improper method of getting into the record something in an indirect method that counsel cannot possibly get in by a direct method. I submit, Mr. Examiner, that it is highly improper.

Mr. Clark: I will submit that objection. It is cross examination so far as I am concerned.

Trial Examiner Lindsay: As I understand it, you are reading into your question the things which



(Testimony of Samuel Brenes.)

are actually in that document?

Mr. Clark: I am asking my question from the document the same as Mr. Mouritsen did on his examination, and now the wit- [1962] ness is even holding it and I am just looking over his shoulder.

Trial Examiner Lindsay: Well, you may ask it.

Mr. Clark: Very well. Let me have it, again, please—I will reframe it, Mr. Reporter, and let me start all over again.

Q. Now, Mr. Brenes, am I also correct in stating that subsequently on April 13, 1939, at a special meeting of the board of governors of the Association, a further motion was made by you and seconded by Mr. Nichols directing——

Mr. Mouritsen (Interrupting): Mr. Examiner, I submit this is highly improper. However, I am making no objection.

Mr. Clark: Very well. Thank you for the interruption.

Q. Directing the secretary to write to the company officials at both Tipton and Corcoran, California, calling attention to the fact that the Association is keeping a list of unemployed members, with their qualifications, and requesting the management to get in touch with the Labor Relations Committee when new men are needed.

Was such a motion passed?                   A. Yes, sir.

Q. All right.

Now, pursuant to that motion, was such a communication addressed to the J. G. Boswell Company?                   A. Yes, sir.

(Testimony of Samuel Brenes.)

Q. And in that connection, Mr. Brenes, I direct your atten- [1963] tion to what purports to be a copy of a letter dated April 15, 1939, and addressed to the J. G. Boswell Company of Los Angeles, California, and signed by H. G. McKeever, secretary, and I will ask you whether or not you saw the original of that before it was mailed.

A. (Examining document) Yes, sir.

Q. Was the original mailed to the J. G. Boswell Company at Los Angeles? A. Yes, sir.

Q. Very well.

I will ask permission, may it please the Examiner, to read the copy into the record.

“April 15——”

Mr. Mouritsen (Interrupting): I will object to the reading——

Mr. Clark (Interrupting): It is annexed to the minutes.

Trial Examiner Lindsay: At least show it to counsel.

Mr. Clark: I think he has been through all the minutes. At least, I saw him looking through them.

(The document referred to was passed to Mr. Mouritsen.)

Mr. Mouritsen: Yes.

Mr. Clark: You have seen that, haven't you?

Mr. Mouritsen: No, I haven't seen, but I would be glad to have it in the record.

Mr. Clark: Very well. Then it goes in with your consent, [1964] I take it?

(Testimony of Samuel Brenes.)

Mr. Mouritsen: Yes.

Mr. Clark: All right.

This letter then, Mr. Examiner, reads as follows:

“April 15, 1939

“J. G. Boswell Company

“Los Angeles,

“California

“Gentlemen:

“At the annual meeting of the J. G. Boswell Company Employees' Association on April 5, 1939, the question was raised from the floor regarding the unemployment of the Association members and a motion was made requesting the governing board of the Association to notify company officials of both Corcoran and Tipton that the Association is keeping a list of unemployed members, with their qualifications, and requesting the management to get in touch with the Association when new men are needed.

“At a meeting of the governing board of the Association on April 13, 1939, the secretary was directed to perform this duty, which is accomplished herewith. I do, however, wish to emphasize the fact that this is merely a request. We are not agitating for a closed shop but we do want to do everything [1965] reasonable and just to keep our members employed.

“Very truly yours,

“H. G. McKEEVER,

“Copy to Mr. Louis T. Robinson, Corcoran, and

“copy to Mr. Leon Jones, Tipton.”

(Testimony of Samuel Brenes.)

I understood you to say that the original of that was mailed to the company?      A. Yes, sir.

Q. Is that right?      A. Yes, sir.

Q. Have you attended all the meetings of this Employees' Association, Mr. Brenes?

A. Yes, sir.

Q. At any time whatsoever has the J. G. Boswell Company in any manner attempted to interfere with the conduct of those meetings or to dominate them?

Mr. Mouritsen: Objected to as calling for hearsay——

Mr. Clark (Interrupting): Submit it.

Mr. Mouritsen (Continuing):——evidence and a conclusion of the witness. [1966]

Trial Examiner Lindsay: Well, it is not sustained on the objection of hearsay.

Mr. Mouritsen: It calls for a conclusion.

Trial Examiner Lindsay: It is sustained as to the form of the question.

Q. (By Mr. Clark) At any time whatsoever, Mr. Brenes, has any representative from the Company, from the J. G. Boswell Company, attended your meetings?

Mr. Mouritsen: Objected to as vague and indefinite. What is "a representative?"

Mr. Clark: I suppose a representative is one who is authorized.

Trial Examiner Lindsay: I think, Mr. Clark, you should name the individual in the question.

(Testimony of Samuel Brenes.)

Mr. Clark: I will submit the question for a ruling and then re-frame it if——

Trial Examiner Lindsay (Interrupting): You may reframe your question.

Mr. Clark (Continuing)——if the objection is sustained.

Is the objection sustained, Mr. Examiner?

Trial Examiner Lindsay: I said you may re-frame your question, Mr. Clark.

Mr. Clark: Very well.

Q. At any time, Mr. Brenes, has the Company, that is, the J. G. Boswell Company, interfered with the conduct of your [1967] Association?

Mr. Mouritsen: Objected to as calling for a legal conclusion, and a self-serving declaration.

Trial Examiner Lindsay: Sustained.

Q. (By Mr. Clark) At any time has Mr. Louie Robinson attended any of your meetings?

A. No, sir.

Q. Or has Mr. Gordon Hammond attended any of your meetings?      A. No, sir.

Q. This minute book we have been examining contains all the minutes, doesn't it?

A. Yes, sir.

Q. Has the Company in any way attempted to control the policies of your organization?

Mr. Mouritsen: Objected to as calling for a legal conclusion of the witness, and a self-serving declaration.

Trial Examiner Lindsay: Sustained.

(Testimony of Samuel Brenes.)

Mr. Clark: It calls for objective action. It is possible for me to go through the many ways that that can be done. I am asking for an ultimate fact.

Trial Examiner Lindsay: Sustained.

Mr. Clark: Very well.

Q. On your direct examination, you answered one of Mr. Mouritsen's questions in which he used the phrase, "the men were requested to leave the plant." [1968]

Q. Do you remember making an answer to a question such as that? A. Yes, sir.

Q. Did you ever hear anyone request any of the employees to leave the J. G. Boswell plant?

A. No, sir.

Q. Am I correct in stating that in answering that question, you simply were attempting to fix the incident of November 18th, that is, the uprising of the men? A. That is right.

Q. You also said that the meeting of employees which was held on the evening of November 18th was held in the office of the Company.

Will you please tell us whether there is a so-called office building on the Company property?

A. Yes, sir.

Q. How large a building is it? Approximately how many rooms does it consist of?

A. Oh, at least eight or ten, I believe.

Q. All right.

And would a fair description of that building be, or a fair name for that building be an administra-



(Testimony of Samuel Brenes.)

tion building?           A. I believe it would.

Q. In other words, the offices of the draftsmen are there too, are they? [1969]           A. Yes, sir.

Q. Is that where Mr. Hubbard does such work as he does at the plant?           A. Yes, sir.

Q. Who actually prepared Board's Exhibit 18, that is, the original of Board's Exhibit 18, namely, the constitution and by-laws?

A. Mr. Clement.

Q. And you paid Mr. Clement with the funds of the Association?           A. Yes, sir.

Q. Referring to the election of your officers, am I correct in stating that on both occasions concerning which you have testified in your direct examination, the officers of the Employees' Association were elected by secret ballot?

A. That is right.

Mr. Clark: That is all.

One further question, please, Mr. Examiner, if I may.

Q. Where, in this administration building, on the night of November 18th, was the gathering of the men held, if you remember?

A. It was in what we refer to as the outer office.

Q. Is that a kind of a lobby?           A. Yes, sir.

Q. Are the men in the plant accustomed to come in there?

Mr. Mouritsen: Objected to as incompetent, irrelevant and [1970] immaterial.

(Testimony of Samuel Brenes.)

Trial Examiner Lindsay: Sustained.

Mr. Clark: Very well.

Q. Is the Company bulletin board there?

A. There is one of them there.

Mr. Clark: That is all.

### Redirect Examination

Q. (By Mr. Mouritsen) Now, Mr. Clark asked you whether or not the officers of the Association were elected by secret ballot.

As a matter of fact, at the meeting of November 28th, 1938, which I show you, Mr. Hubbard was the only man nominated for president, wasn't he?

A. Yes, sir.

Q. And don't the minutes so show that?

A. Yes, sir.

Q. And Mr. Oscar W. Busbee was the only man nominated for vice-president, isn't that correct?

A. Yes, sir.

Q. And Mr. E. M. Roberson was the only one nominated for secretary, isn't that correct?

A. Yes, sir.

Q. There were two candidates for treasurer, isn't that correct?

A. Yes, sir. [1971]

Mr. Clark: That is the witness's job.

Mr. Mouritsen: Now, in order that Mr. Brenes might take the minute book back with him intact, would counsel have any objection if I read into the record the names contained on Board's Exhibit 19?

Mr. Clark: Not at all. Or to save time, those



(Testimony of Samuel Brenes.)

sheets could be taken out and probably copies substituted.

Go ahead and read them in if you prefer to read them.

Q. (By Mr. Mouritsen) Mr. Brenes, I will ask you to read into the record all of the names that appear on Board's Exhibit 19, which has previously been identified.

Trial Examiner Lindsay: Eighteen.

Mr. Mouritsen: No, Board's Exhibit 19.

The Witness: William F. Parrish.

Mr. Clark: Just a moment. I understand the witness is reading the names in order, is that right?

The Witness: That is right.

Mr. Mouritsen: I will so direct him.

The Witness: John Duncan, Tom Donohue, A. R. Derichsweiler.

Trial Examiner Lindsay: Spell that?

The Witness: D-e-r-i-c-h-s-w-e-i-l-e-r.

Jack Owings, H. R. Murphy, J. A. Derichsweiler, H. F. Workman, B. Winslow, A. Gardner, Walter Derichsweiler, S. A. Brown, Ygnacio Galvan,

[1972]

Trial Examiner Lindsay: Spell that.

The Witness: G-a-l-v-a-n.

Trial Examiner Lindsay: The first name?

The Witness: Y-g-n-a-c-i-o.

W. C. Nichols, R. H. Fallin, C. C. Hastin, Sam Robinson, A. L. Hood, John Winslow, Fred A. Parrish, O. W. Bowron, T. E. Lowry, C. J. Felder,

(Testimony of Samuel Brenes.)

William D. Blankenship, Herman Langford, Bruce Clar, D. V. Burdine, S. L. Todd, J. W. Tisdale, E. Liggett, V. Rood, Robert C. Springer, Guy Poole, H. Compton, Stan Salisbury, W. E. Williams, Oscar White, R. E. White, Clark Mitchell, K. V. Hammond, Paul Morris, Noland Butcher, Walter Abbott, E. K. Ely, L. G. Robinson, Don Mummert, W. D. Robinson, Clyde Sitton, J. W. Miller, Hugh Greer, F. E. Ely, W. L. Connally, O. W. Busbee, E. M. Roberson, T. W. Hammond, John A. Carpenter, J. T. Mize. [1973]

Mr. Mouritzen: And may I at this time withdraw Board's Exhibit 19 in order that it may be returned to the witness?

Mr. Clark: So stipulated, Mr. Examiner.

Mr. Walsh: May the reporter be instructed to insert in the exhibit file a sheet with the notation that at page blank in the record the exhibit has been withdrawn? May also that apply to Exhibit 12?

Trial Examiner Lindsay: Yes, and let that sheet of paper also contain a statement that the contents of the exhibit itself in each case were read into the record.

Q. (By Mr. Mouritsen) Now, I note that Board's Exhibit 19 was signed by a man named Lowry.

Do you recall whether or not he is a foreman at one of the Boswell farms?

A. No, sir; this man works in our shops.

Q. Board's Exhibit 18 is only a certified copy,

(Testimony of Samuel Brenes.)

so you have no objection to our retaining that, is that correct?      A. Yes.

Q. Will you look on Board's Exhibit 19 again, Mr. Brenes, and give me the initials of that Lowry?

A. T. E., it is.

Q. T. E.?      A. Yes, sir.

Q. Do you know whether or not K. C. Hammond is also known as Kelly Hammond? [1974]

A. That is right.

Q. I believe you stated that Gordon Hammond, hadn't attended any of the meetings, is that correct?      A. Yes, sir.

Q. However, Tom and Joe Hammond had attended a number of the meetings, had they not?

A. Yes.

Mr. Mouritsen: Nothing further.

Mr. Clark: No further questions from us. Thank you.

Trial Examiner Lindsay: I have just one or two.

Q. Did I understand you to say that you made out the pay-checks for the men in the office?

A. I don't always make the checks. I make out the payroll from which the checks are made. I sometimes make the checks.

Q. And are you the only one in the office doing that particular work?

A. No, there is another man that does the payroll work with me.

Q. And who is he? Who does he take his directions from?

(Testimony of Samuel Brenes.)

A. You mean in regard to payrolls?

Q. Yes, this man that works with you.

A. From me, I guess, if there are any orders to be given. We know what we are supposed to do and we do it.

Q. Do you give him directions?

A. When there are any to be given. [1975]

Q. Have you given him any that you know of?

A. I can't think of any definite ones I did.

Q. Well, what is your best recollection?

A. Well, we both work in the office together, and I make suggestions to him. I am the senior bookkeeper there, and I make suggestions.

Q. Does he carry out those suggestions?

A. He usually does.

Q. What do you mean "usually"? Has he ever refused to carry them out?

A. He might offer other suggestions to which I agree in preference to the ones I made.

Q. But you are the head bookkeeper there?

A. I guess you might call me that.

Trial Examiner Lindsay: That is all.

Mr. Clark: No further questions.

(Witness excused.)

Mr. Clark: Now, Mr. Examiner, may I suggest to counsel for the Board that Mr. Boyett be put on the stand and asked the questions which remain of him concerning having gone through the minutes, and then he was to tell us whether or not he found

any further reference to the Boswell Company or this matter.

Trial Examiner Lindsay: I don't have anything to say [1976] about how an attorney should proceed.

Mr. Clark: I said if he wants to.

Mr. Walsh: I have talked to Mr. Boyett and he told me he has gone through the record this morning and found no further notation about the Boswell dispute, and I don't desire to recall him to the stand.

Mr. Clark: The minutes you refer to are those of the Associated Farmers of Kings County?

Mr. Walsh: Yes.

Mr. Clark: May Mr. Boyett be released?

Mr. Walsh: Yes.

Trial Examiner Lindsay: It is almost 4:30, isn't it?

Mr. Mouritsen: Yes, I was going to suggest, Mr. Examiner, since we are about to go into a different phase of the case, perhaps we might take an adjournment at this time and that it now appears that the Board will probably complete the presentation of its case by tomorrow or at least Thursday morning.

Mr. Clark: I see. Should we be ready by 2:00 o'clock tomorrow afternoon?

This is off the record?

Trial Examiner Lindsay: Yes. Off the record.

(Here followed discussion off the record.)

Trial Examiner Lindsay: On the record.

Mr. Clark: May we have time to prepare our side of the case if necessary? [1977]

Trial Examiner Lindsay: Yes.

(Whereupon, at 4:25 o'clock p. m., an adjournment was taken until 9:30 o'clock a. m., Wednesday, June 7, 1939.) [1978]

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American Legion Hall  
Corcoran, California  
Wednesday, June 7, 1939.  
9:30 o'clock a. m. [1979]

## PROCEEDINGS

Trial Examiner Lindsay: Hearing called to order.

Mr. Mouritsen: Mr. Examiner, the Board will now proceed with the presentation of the case against the Corcoran Telephone Exchange, and this phase of the case will be handled by my associate, Mr. McTernan.

Mr. Clark: Now, may it please the Examiner, in looking over the transcript of Monday's hearing, just hastily—I don't want it understood that I am limiting myself to the fact that there are no other corrections that I would like to suggest—but in looking over Monday's transcript hastily, I notice on page 1720 in the testimony of Mr. Johnston what I think is an error. That is a typographical error.



The question which I refer to reads this way—this is a question by Mr. Clark of Mr. Johnston—“Did you see a man named Ralph Gilkey there that morning—” referring to January 30th at the Boswell plant—I am wrong—the question is this:

“Did you see a man named Joe Mackey there that morning,” referring to January 30th.

“A. No, sir.”

Now, I think the answer was “Yes, sir,” and particularly in view of the following, which I will read to your Honor—

Mr. Mouritsen (Interrupting): I will stipulate—

Mr. Clark (Interrupting): Let us finish this, Mr. Mourit- [1981] sen.

“Q. Are you sure of that?

“A. I am almost sure.

“Q. What did you mean by that?

“A. I am just as sure as the rest of them.

“Q. Are you just as sure that Joe Mackey was there as you are that the others were there?

“A. Yes.”

So I think the “No, sir,” to which I first referred at line 25, page 1720, should be “Yes, sir.”

Mr. Mouritsen: I am of the same opinion, Mr. Examiner.

Trial Examiner Lindsay: I can tell you in just a moment. I know that is correct, I know that he did say “Yes, sir,” but we will look it up. (Examining transcript notes.)

That is Mr. Johnston, isn't it?

Mr. Clark: Johnston, yes, sir.

Trial Examiner Lindsay: Yes, that is correct.  
The answer is "Yes."

Mr. Clark: May that be changed, Mr. Examiner?

Trial Examiner Lindsay: Oh, yes.

Mr. McTernan: Mr. Glenn.

Are you through, Mr. Clark?

Mr. Clark: Nothing further at this time.

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C. H. GLENN,

a witness called by and on behalf of the National Labor Re- [1982] lations Board, being first duly sworn, was examined and testified as follows:

Mr. Wingrove: I might state at this time, Mr. Examiner, that Mr. Clark and Mr. Painter have been authorized to collaborate with me in connection with the handling of the presentation of the case for the Corcoran Telephone Exchange.

Mr. Clark: In the same manner as we have with the Boswell Company. [1983]

Direct Examination

Q. (By Mr. McTernan) Will you state your name, please.

A. C. H. Glenn; G-l-e-n-n.

Q. Your address? A. Corcoran.

Q. What is your business or occupation, Mr. Glenn? A. Farmer.

Q. Have you any other business?

A. Telephone business.



(Testimony of C. H. Glenn.)

Q. Is that personal business or is that a corporation?  
A. Corporation.

Q. What office do you hold in the corporation?

A. President and manager.

Q. Is the name of that corporation the Corcoran Telephone Exchange?

A. Incorporated; yes, sir.

Q. Are you the chief stockholder?

A. Yes, sir.

Q. When was the corporation organized?

A. I think it was incorporated some time in 1923.

Q. What is the extent of the operations of the Corcoran Telephone Exchange?

Mr. Clark: Now, just for the record, Mr. Examiner, I would like to make an objection on behalf of the Associated Farmers of Kings County to the reception of any evidence under [1984] the charge or in support of the allegations of the complaint against the Corcoran Telephone Exchange, and against the Associated Farmers of Kings County, upon the ground that nowhere in the complaint is it alleged that the Associated Farmers acted in any respect in the interest of the Corcoran Telephone Exchange, which is, as your Honor knows, under the Act, in the definition of an employer. In other words, the complaint does allege, with respect to the Boswell matters, that the Associated Farmers acted in the interest of Boswell in this and that and

(Testimony of C. H. Glenn.)

the other matter, but there is no such allegation even as between the Corcoran Telephone Exchange and the Associated Farmers, so I would like to make a formal objection to the admission of any evidence with respect to the Corcoran Telephone Exchange as against the Associated Farmers of Kings County. I will simply take your Honor's ruling so we can go on from there.

Trial Examiner Lindsay: Well, there isn't any question pending as a matter of record which touches upon that.

Mr. Clark: I don't hear you.

Trial Examiner Lindsay: There isn't any question pending now which touches upon any testimony.

Mr. Clark: No, there isn't. I am simply making the general objection. I made it at the time when I thought we were about to get into some real evidence beyond the gentleman's name and address and what he does. I am simply making [1985] a general objection to the reception of any evidence, you see.

Trial Examiner Lindsay: Your motion may stand in the record and I will rule on it when the occasion arises.

Mr. Clark: Very well.

And may it be deemed, Mr. McTernan, that that objection runs to this gentleman's entire testimony?

Mr. McTernan: So stipulated.

Mr. Clark: Very well. [1986]

(Testimony of C. H. Glenn.)

Mr. McTernan: Will you read the last question?

(The question referred to was read by the reporter, as set forth above.)

The Witness: You mean the limit?

Q. (By Mr. McTernan) Yes. Where does it operate?

A. In the city limits of Corcoran.

Q. Have you any—can you give us how much line the Exchange owns, cables?

A. May I refer to some notes that I took from the records?

Q. Yes, if you wish.

Mr. Clark: May I ask some preliminary questions regarding the memorandum that Mr. Glenn has to refresh his recollection from?

Trial Examiner Lindsay: Yes.

Mr. Clark: Mr. Glenn, you have just stated you are about to refer to some notes; is that correct?

The Witness: Yes, sir.

Mr. Clark: And you are holding in your hand a paper upon which certain information appears?

The Witness: Yes, sir.

Mr. Clark: Can you tell us from what source you took that information?

The Witness: I took this from the report that we made to the State Railroad Commission, the 1938 report.

Mr. Clark: Was that for the year 1938? [1987]

The Witness: Yes, sir.

Mr. Clark: That is all.

(Testimony of C. H. Glenn.)

Q. (By Mr. McTernan) That is technically from December 21st, 1937 to December 21st, 1938, isn't that correct?

A. That is correct, as regards the toll.

Mr. Clark: And the figures you are about to give us, are those filed by you with the Railroad Commission of California in the annual report of the Corcoran Telephone Exchange?

The Witness: That is true.

Mr. McTernan: Will you read the last question?

(The question referred to was read by the reporter, as set forth above.)

The Witness: In cables you want first?

Q. (By Mr. McTernan) What I want, Mr. Glenn, is the total mileage of all of the line and cables operated by the Corcoran Telephone Exchange.

A. 139.9 miles.

Q. What is that figure? Line and cables combined?

A. Yes, sir, aerial lines and cables.

Q. Now, Mr. Glenn, do your lines connect with the lines of any other telephone company?

A. No, our lines do not.

Q. Well, how do you get telephone messages out of Corcoran to cities outside of Corcoran?

A. The cables are attached to our boards of the central office. [1988]

Q. The cables of what?

(Testimony of C. H. Glenn.)

A. The Pacific Telephone and Telegraph Company.

Q. And is that a subsidiary of the American Telephone and Telegraph?

A. I don't know.

Mr. Wingrove: May I have that last question and answer read?

(The record referred to was read by the reporter, as set forth above.)

Mr. McTernan: May these be marked for identification?

(Thereupon, the documents above referred to were marked as Board's Exhibits Nos. 20-A and 20-B, respectively, for identification.) [1989]

Mr. Clark: Would you direct my attention, Mr. McTernan, to the portion of this document that you have handed me that you consider relevant?

Mr. McTernan: I will direct you to certain portions which are especially relevant.

(The document referred to was passed to Mr. Clark.)

Mr. Clark: May I ask you whether or not in this exhibit there is any reference to the Corcoran Telephone Exchange?

Mr. McTernan: No.

Mr. Clark: And the only reference you are concerned with has to do with the connection, if any, between Pacific Telephone and Telegraph

(Testimony of C. H. Glenn.)

Company and the American Tel and Tel, or Bell System?

Mr. McTernan: Well, that is—this one (Indicating) shows the operations of the Pacific Telephone and Telegraph Company.

Mr. Clark: And I understand the Corcoran Telephone Exchange isn't mentioned in it?

Mr. McTernan: That is right.

And this is the report of the American Telephone and Telegraph Company (Indicating). I direct your attention to page 18 and page 31.

Mr. Clark: And by this you are referring to Board's Exhibit 20(b) for identification, is that right? [1990]

Mr. McTernan: Yes.

Mr. Clark: And do I understand that so far as this exhibit is concerned, or this document, rather, Board's Exhibit 20(b) for identification, that there is no reference in it to the Corcoran Telephone Exchange?

Mr. McTernan: That is correct.

Mr. Clark: But the reference you have in mind is of the Pacific Telephone and Telegraph Company?

Mr. McTernan: Yes.

Q. Mr. Glenn, I hand you Board's Exhibit for identification No. 20(a) and 20(b) and ask you if you have ever seen either of these.

A. (Examining documents) I don't think I have.



(Testimony of C. H. Glenn.)

Mr. Clark: Mr. Examiner, I have no objection whatsoever to the authentication of these documents. In other words, I will concede that they are what they purport to be, namely, so far as Board's Exhibit 20(a) for identification is concerned that it is a copy of the annual report of the Pacific Telephone and Telegraph Company for the year 1938, and that so far as Board's Exhibit 20(b) for identification is concerned, it is the annual report, or copy of the annual report, of the American Telephone and Telegraph Company for the year 1938; but I want to reserve my objection to the competency of these documents as exhibits in this case.

My concession only goes to the authentication of them. [1991]

Mr. McTernan: I offer Board's Exhibit 20(a) which is the annual report of the Pacific Telephone and Telegraph Company and Board's Exhibit for identification No. 20(b) which is the annual report of the American Telephone and Telegraph Company in evidence.

Mr. Clark: To which we object on the ground that each exhibit is incompetent, irrelevant and immaterial and is hearsay as to the respondent Corcoran Telephone Exchange and the other respondents in this case, and further that there has been no showing whatsoever concerning the Board's jurisdiction over the respondent Corcoran Telephone Exchange or that said respondent acted in

(Testimony of C. H. Glenn.)

the interest of anyone who is subject to the Board's jurisdiction or is an employer within the meaning of the National Labor Relations Act.

And may I add to the objection that there is no connection shown between the Corcoran Telephone Exchange and either of the companies mentioned in the documents under consideration, that is, the American Telephone and Telegraph Company or the Pacific Telephone and Telegraph Company.

Trial Examiner Lindsay: Board's Exhibits 20(a) and 20(b) are received in evidence.

(Thereupon the documents above referred to were received in evidence and marked Board's Exhibits 20(a) and 20(b).)

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## BOARD'S EXHIBIT NO. 20(a)

Not Released Until Thursday, February 16th

### ANNUAL REPORT of THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY FOR 1938

140 New Montgomery Street  
San Francisco

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Throughout the Pacific Coast, in addition to the number of telephones we own and operate,—1,853,229 as of December 31, 1938—there were also



(Testimony of C. H. Glenn.)

283,922 telephones served by 309 other companies with which our toll and long distance lines connect. At the end of the year, inclusive of 56,899 rural and private line telephones, there was a total of 2,194,050 telephones in the Pacific Coast territory in which we operate. All of the telephones which we operate on the Pacific Coast and those independently owned and operated by connecting companies have complete connection with the Bell System of which our company is a constituent part. At the end of the year, the Bell System telephones totaled, in round figures, 15,-761,000, and they interconnected with about 4,124,-000 served by connecting companies, all connected by wire or radio telephony with 17,915,000 telephones in other countries and continents. About 93 per cent of the world's 40,600,000 telephones are now interconnectible and the Pacific Coast has promptly available this world-wide service.

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[Endorsed]: Filed 6-7-39.

BOARD'S EXHIBIT NO. 20(b)  
ANNUAL REPORT  
of the  
AMERICAN TELEPHONE  
AND TELEGRAPH COMPANY  
FOR 1938  
195 Broadway  
New York

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(Testimony of C. H. Glenn.)

Report of the Directors

of

American Telephone and Telegraph Company

New York, March 1, 1939.

To the Stockholders:

During 1938, the Bell System\* had a net gain of about 430,000 telephones compared with 876,000 in 1937. More than 60 per cent of the gain in 1938 was made in the last four months of the year. At the end of the year there were 15,761,000 telephones in service.

The average daily number of telephone conversations during the year was 69,900,000, an increase of about 1,100,000 over 1937. While there were about 1.7 per cent more local conversations, there were 1.4 per cent fewer toll and long distance conversations than in the previous year. At the end of the year, however, the daily number of toll and long distance conversations was somewhat higher than at the end of 1937.

Including the telephones of about 6,500 connecting telephone companies and more than 25,000 connecting rural lines, there were at the end of the year approximately 19,900,000 telephones in the United States, practically any one of which can be connected promptly with any other and with 93 per cent of the telephones in the world.

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# AMERICAN TELEPHONE AND TELEGRAPH COMPANY

December 31, 1938

## I. PRINCIPAL TELEPHONE SUBSIDIARIES (a)

	Headquarters	Company Telephones	Connecting Telephones (b)
New England Tel. and Tel. Co.....	Boston, Mass.	1,223,400	46,200
New York Bell Tel. Co.....	New York, N. Y.	2,541,700	210,600
New Jersey Bell Tel. Co.....	Newark, N. J.	703,000	12,900
The Bell Tel. Co. of Pennsylvania.....	Philadelphia, Pa.	1,233,500	212,200
The Diamond State Tel. Co.....	Philadelphia, Pa.	43,200	200
The Chesapeake and Potomac Tel. Co.....	Washington, D. C.	239,700	300
The Chesapeake and Potomac Tel. Co. of Baltimore City	Baltimore, Md.	262,400	3,100
The Chesapeake and Potomac Tel. Co. of Virginia.....	Richmond, Va.	196,000	55,400
The Chesapeake and Potomac Tel. Co. of West Virginia...	Charleston, W. Va.	130,700	25,200
Southern Bell Tel. and Tel. Co.....	Atlanta, Ga.	1,144,100	335,000
Christian-Todd Tel. Co.....	Hopkinsville, Ky.	5,100	700
The Ohio Bell Tel. Co.....	Cleveland, Ohio	713,500	296,700
Michigan Bell Tel. Co.....	Detroit, Mich.	680,200	102,600
Indiana Bell Tel. Co.....	Indianapolis, Ind.	222,000	250,600

(Testimony of C. H. Glenn.)

(Testimony of C. H. Glenn.)

## AMERICAN TELEPHONE AND TELEGRAPH COMPANY

December 31, 1938

## I. PRINCIPAL TELEPHONE SUBSIDIARIES (a)

(Continued)

	Headquarters	Company Telephones	Connecting Telephones (b)
Wisconsin Tel. Co.....	Milwaukee, Wis.	363,200	172,600
Illinois Bell Tel. Co.....	Chicago, Ill.	1,407,800	296,900
Northwestern Bell Tel. Co.....	Omaha, Nebr.	659,200	516,200
The Tri-State Tel. and Tel. Co.....	St. Paul, Minn.	131,200	83,300
Dakota Central Tel. Co.....	Aberdeen, S. D.	30,800	20,900
Southwestern Bell Tel. Co.....	St. Louis, Mo.	1,484,600	577,700
The Mountain States Tel. and Tel. Co.....	Denver, Colo.	492,600	40,700
The Pacific Tel. and Tel. Co.....	San Francisco, Cal.	1,137,700	168,900
Bell Tel. Co. of Nevada.....	San Francisco, Cal.	13,700	4,900
Southern California Tel. Co.....	Los Angeles, Cal.	701,800	152,600

Note: The United Tel. Co., formerly included herein, was merged with Southwestern Bell Tel. Co. in 1938.

(a) Subsidiaries controlled indirectly are indented under the controlling company.

(b) Comprises telephones of about 6,500 connecting companies and over 25,000 connecting rural lines.

[Endorsed]: Filed 6-7-39.

(Testimony of C. H. Glenn.)

Q. (By Mr. McTernan) Mr. Glenn, directing your attention to the fiscal year 1938, that is, the fiscal year of the [1992] Telephone Exchange, which year I understand runs from December 21st, 1937 until December 21, 1938, could you tell me what the gross income of the Exchange was.

A. \$15,897.39.

Q. Now, that figure you have given me is income from subscribers and toll calls?

A. Yes.

Q. Does it include any other items?

A. No, we have no other income.

Q. Does it include any taxes you have collected on those calls? A. Yes, sir.

Q. Well, how much is that item of taxes collected?

Mr. Clark: For what collected?

Mr. McTernan: Taxes collected on toll calls.

The Witness: The taxes amounted to \$937.35 during that period.

Q. (By Mr. McTernan) As I understand it, when you collected those taxes, you collect it as agents for the taxation authority?

A. That is true.

Q. So your gross income from subscribers and toll calls would be the figure you have given me, minus the amount of tax you mentioned?

A. That is true. [1993]

Q. What is that figure? A. \$14,960.04.

Q. Now, that income—how much was income from toll calls?

(Testimony of C. H. Glenn.)

Mr. Clark: May we have the toll call explained by the witness before we get into that?

Q. (By Mr. McTernan) What is a toll call?

A. It is an out of town call that is put in through Hanford. The amount was \$5,248.48.

Q. All these figures you have given—they are for the fiscal year 1938?      A. That is true.

Q. Now, that figure that you have last given me, how much of that represents income from toll calls to points outside the state of California?

A. \$177.13.

Q. Could you tell me what percentage that is of the total income from toll calls?

A. Of the total?

Q. Total income from toll calls.

Mr. Clark: Let's have them both, if we can, and I won't have to go into it on cross, that is, the percentage that the out-of-state calls are to the total income of toll calls.

The Witness: I think it is about 3-1/3 percent. [1994]

Trial Examiner Lindsay: Just a minute, now.

Mr. Clark: I will keep still.

Trial Examiner Lindsay: When both of you are asking questions at the same time, you get the reporters confused and also get me confused and the witness.

Now, proceed with the examination, and you make the objections when you feel they are necessary, Mr. Clark, and you will have the opportunity of cross examination.



(Testimony of C. H. Glenn.)

Mr. Clark: Yes, indeed.

Q. (By Mr. McTernan) Now, that figure you have just given me, 3-1/3 percent, Mr. Glenn——

Trial Examiner Lindsay (Interrupting): Just a minute, please.

Read back the question. First the question that Mr. McTernan put and then the question that Mr. Clark put, and then the answer.

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: I don't know if that answer was in response to Mr. McTernan's question or Mr. Clark's question.

Mr. McTernan, will you please straighten that out?

Mr. McTernan: Yes, I will. I was just about to.

Q. That last percent you have given, Mr. Glenn, is that the percentage of out-of-state toll calls—pardon me. [1995] Withdraw that.

Will you *please what* that 3-1/3 percent is?

A. That 3-1/3 percent is the percentage of out-of-state calls.

Q. Income from out-of-state calls, or out-of-state calls?

A. Income from out-of-state calls; not number of calls, but amounts, the amount we are talking about.

Q. That 3-1/3 percent is of what amount?

A. 3-1/3 per cent of the total amount of tolls collected.

(Testimony of C. H. Glenn.)

Q. And that is what? A. About 3-1/3.

Q. No. I mean, what is that figure?

A. The out-of-state calls?

Q. The total toll calls. A. \$5248.48.

Mr. McTernan: Does that clear it up for you, Mr. Examiner?

Trial Examiner Lindsay: I will ask one question. [1996]

Q. However, of the \$5248.48, three and one third percent of that figure is the total income from calls from outside of the State of California, is that right? A. That is correct.

Q. (By Mr. McTernan) Mr. Glenn, could you give me the total number of toll calls which the Exchange—which went through the Exchange—for the fiscal year 1938? A. 35,558.

Q. And of those, how many were calls outside of the State of California? A. 77.

Q. Mr. Glenn, of those 77 calls which were made to points outside of the State of California, could you tell me, give me some indication of the points to which those calls were made, by city or State?

A. Well, it would be pretty hard. There were several calls into Texas, into Arizona, Mexico—Arizona, New Mexico, Nevada. I think they were scattered quite generally across the country.

Q. Quite generally throughout the country?

A. Yes, sir.

Trial Examiner Lindsay: I don't believe I ruled on your motion or your objection. However, I be-

(Testimony of C. H. Glenn.)

lieve it was stipulated by Mr. McTernan that your objection goes to all of the testimony. [1997]

Mr. Clark: Yes, I think it was, Mr. Examiner.

Q. (By Mr. McTernan) I believe you testified, Mr. Glenn, that the lines of the Pacific Telephone and Telegraph Company come into your board here in Corcoran? A. That is correct.

Q. Now, what sort of an arrangement do you have with them in case of calls going outside of Corcoran?

A. We have what they call an independent telephone connection agreement with the Pacific Telephone and Telegraph Company.

Q. Well, could you go into more detail and tell us how that operates?

A. We get 30 per cent, and they get 70 per cent of the outgoing calls.

Q. How about the incoming calls?

A. We don't get anything on them.

Q. You don't get anything on them?

A. On the incoming calls.

Q. How is this 30-70 per cent financial arrangement settled up? A. They bill us——

Mr. Clark (Interrupting): May I have that question, Mr. Examiner?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.) [1998]

Mr. Clark: I have no comment to make.

The Witness: They bill us each month for 70 per cent of the amount.

(Testimony of C. H. Glenn.)

Q. (By Mr. McTernan) Of the amount that you collect?

A. Of the whole amount, yes, sir. You see, these bills, if I might just clear up one thing, we make out no bills. Those bills are made out in Sacramento by the Pacific people and are collected in Hanford out of our office. The bills are sent from Hanford into Sacramento to their clearing house of the Pacific Telephone and Telegraph, and they in turn send these bills to us for collection. Then they bill us for the amount—at the same time they bill us for the amount, their proportion or 70 percent of the money that we collect on those bills.

Mr. Clark: May I ask, Mr. Examiner, whether this applies to the out-of-state calls?

The Witness: It applies to all the toll calls.

Mr. Clark: I see.

The Witness: Hanford is our central office of this district.

Q. (By Mr. McTernan) Do you have any agreements, or any working agreements, Mr. Glenn, with the Western Union Company?

A. No, sir.

Q. Do you serve them in any way at all?

A. No, sir. [1999]

Q. Well, suppose I telephone—I wanted to send a telegram and I phoned it into the telephone office, how would that be taken care of?

A. We wouldn't take it there. They would take it over at the Santa Fe. [2000]

(Testimony of C. H. Glenn.)

Q. Do you ever send out messages, telegraph messages, that are received here in Corcoran by the Western Union over your wire?

A. I don't think so. You mean relay them?

Q. Yes.           A. No.

Q. In other words, deliver the message over the phone?

A. Well, if the agent at the Santa Fe who handles the messages there would telephone, would ask for a number, why it would go through our exchange.

Mr. Clark: I don't think that is responsive, Mr. Examiner. I will ask that it go out. I think Mr. McTernan is asking whether the Corcoran Telephone Exchange undertakes the duties of relaying the message.

Isn't that true, Mr. McTernan?

Mr. McTernan: Well, I will straighten that out.

The Witness: No, we don't take any responsibility in delivering.

Q. (By Mr. McTernan) I will ask you——

Trial Examiner Lindsay (Interrupting): The other answer may go out.

Q. (By Mr. McTernan) I will ask you, Mr. Glenn, if the agent of the Western Union Telegraph Company uses your lines to deliver messages?           A. I don't know. [2001]

Mr. Clark: I object to that.

The Witness: I don't know whether they do or not.

(Testimony of C. H. Glenn.)

Q. (By Mr. McTernan) Is the Western Union Company a subscriber to your telephone exchange?

A. Yes, sir.

Q. Is the Atchison, Topeka and Santa Fe Railroad a subscriber? A. Yes, sir.

Mr. Clark: Objected to as incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: The answer is already in. Don't answer quite so fast, Mr. Glenn.

The Witness: Pardon me.

Trial Examiner Lindsay: Do you want a motion to strike?

Mr. Clark: I would like to strike both of these answers upon the ground they are incompetent, irrelevant and immaterial upon the theory, Mr. Examiner, it makes no difference who the subscribers are so far as establishing whether or not this respondent is engaged in interstate commerce. In other words, I could be engaged in interstate commerce and have an office here in Kings County and subscribe to this telephone exchange and that wouldn't make the telephone exchange participating my business or interstate commerce.

Mr. McTernan: If I might speak, Mr. Examiner, I think it has a very close relation to the effect on interstate com- [2002] merce in view of the subscription to the telephone exchange.

Mr. Clark: I will submit it.

Trial Examiner Lindsay: Those answers may stand. You may have an exception.



(Testimony of C. H. Glenn.)

Q. (By Mr. McTernan) I believe you testified, Mr. Glenn, that you are also a farmer?

A. Yes, sir.

Q. How large is your farm? How large are your farming operations?

A. About 5200 acres.

Q. What are your crops?

A. Principally grain and cotton.

Q. Do you have your cotton ginned by the J. G. Boswell Company?

A. Yes, sir.

Q. Do you have any cotton stored with the J. G. Boswell Company at the present time?

A. No, sir.

Q. Have you had any in the past six months?

A. No, sir.

Q. Do you have any financial arrangements with the J. G. Boswell Company?

A. Yes, sir.

Q. Explain the nature of those arrangements.

A. In the early part of the year, before we begin cropping, [2003] we make our budgets for our grain and our cotton and submit those to the J. G. Boswell Company and make arrangements with them to finance those crops according to these budgets.

Q. Are you at present indebted to the J. G. Boswell Company, Mr. Glenn?

A. At present what?

Q. Indebted to the Boswell Company.

A. Yes, sir.

Q. In what amount?

Mr. Clark: I object to that upon the ground it

(Testimony of C. H. Glenn.)

is incompetent, irrelevant and immaterial. The question is incompetent, irrelevant and immaterial anyway, Mr. Examiner, I submit, unless directed to the times specified in the complaint in this matter.

Trial Examiner Lindsay: Yes. Specify——

Mr. Clark (Interrupting): Not the present situation.

Trial Examiner Lindsay: Yes. Specify the times. Then he may answer.

Q. (By Mr. McTernan) Were you indebted to the Boswell Company during February or March of 1939?

Mr. Clark: I will object to that on the ground it is incompetent, irrelevant and immaterial and proves no issue in the alleged case against the Corcoran Telephone Exchange and also I would like to add to that objection, Mr. Examiner, that it is not established in this record, nor does it appear, [2004] that the Corcoran Telephone Exchange or Mr. Glenn is subject to the jurisdiction or authority of the Board, no grounds of Federal jurisdiction having been established.

Trial Examiner Lindsay: He may answer.

The Witness: I will have to have that question again.

Trial Examiner Lindsay: Read the question.

(The record referred to was read by the reporter, as set forth above.)

The Witness: Yes, sir.

Q. (By Mr. McTernan) And in what amount?

Mr. Clark: I will object to that upon the ground

(Testimony of C. H. Glenn.)

it is incompetent, irrelevant and immaterial, something that absolutely is within the privacy of Mr. Glenn, if he has any objection to answering it.

Trial Examiner Lindsay: Do you have any objection to answering?

The Witness: No, I have no objection. I couldn't tell you.

Mr. Clark: Very well. Then I will withdraw that objection.

The Witness: Without getting the data, I couldn't answer that question.

Q. (By Mr. McTernan) Could you give me any approximation, Mr. Glenn?

A. Oh, probably around—somewhere in the neighborhood of [2005] \$25,000 or \$30,000, probably. That is about what it takes to run our affairs.

Q. (By Mr. McTernan) In those financial arrangements which you have just described, Mr. Glenn, do they give you the money in a lump sum or do they pay it to you as your crop matures and as your expenses mount up, or do they—strike that last.

Trial Examiner Lindsay: I would like to have the question read back.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: Is that the question, Mr. Examiner?

Trial Examiner Lindsay: Yes.

Mr. Clark: I will object on the ground it is in-

(Testimony of C. H. Glenn.)

competent, irrelevant and immaterial. I submit, Mr. Examiner, that if the matter of Mr. Glenn being indebted to Boswell is in any material, that that is the long and short of it. That is the end of the story, not the manner in which the money is advanced.

Trial Examiner Lindsay: Well, he may answer.

The Witness: We draw it as we need it. [2006]

Q. (By Mr. McTernan) Is that paid directly to you, or is that paid to your creditors?

A. Paid to me, partially.

Q. Partially?

A. May I go back and just clear one thing?

Q. Surely.

Trial Examiner Lindsay: Yes.

The Witness: Part of those things are sent direct to the Company, and part of them, the bills, I mean, and I O.K. them at the office, and after I O. K. them, they pay them. That is our method of dispensing it.

Q. (By Mr. McTernan) Well, how do you work payrolls for your farm labor?

Mr. Clark: Objected to upon the ground it is incompetent, irrelevant and immaterial, Mr. Examiner. This is going awfully far afield, I submit. I think the case against the Telephone Exchange, the Corcoran Telephone Exchange, Mr. Examiner, has something to do with a Mrs. Dunn who allegedly was discharged by Mr. Glenn, according to the complaint—this being the complaint of the Board—for so-called Union activities, and I sub-

(Testimony of C. H. Glenn.)

mit that the manner in which Mr. Glenn handles his farm payroll has nothing whatsoever to do with any such claim as that, or with the allegations which appear in the complaint.

Trial Examiner Lindsay: He may answer that question. You may have an exception. [2007]

The Witness: May I hear the question again?

Trial Examiner Lindsay: Yes. Read the question, please.

(The question referred to was read by the reporter, as set forth above.)

The Witness: The foreman turns the time into me. I figure it up, and turn it into the gin.

Q. (By Mr. McTernan) And does the gin issue the check to the workman?

A. They issue a check as a whole to me, and I distribute the money.

Q. Mr. Glenn, are you a member of the Associated Farmers——

A. (Interrupting): Yes.

Q. (Continuing) ——of Kings County, California?

When did you join, approximately?

A. Oh, during the past year. I don't remember when it was.

Q. Well, with reference to January 1st, 1939, was it before or after?

A. It was before that.

Mr. McTernan: You may inquire.

#### Cross Examination

Q. (By Mr. Clark) Mr. Glenn, may I see that

(Testimony of C. H. Glenn.)

memorandum that you testified from on your direct examination? You hold it, please.

Now, I think you said on your direct examination, in response to Mr. McTernan's question, that the Corcoran Telephone [2008] Exchange maintains a total of 139.9 miles of wire and cable in the County—and cable, is that right?      A. Yes, sir.

Q. Will you please state where that cable and wire is located?

A. Located within the city limits of Corcoran.

Q. Very well.

Now, you also told us that operative revenue of the Corcoran Telephone Exchange for the fiscal year 1938, after the payment of taxes, amounted to \$14,960.04, is that right?

A. That is correct.

Q. Will you please tell us from what source that amount, that gross income came, that is, from what payments or in what form?

A. It is payments for toll calls and the payment of the exchanges which are the stations that are in the businesses or the homes.

Q. All right.

Now, I believe you gave us the total number of toll calls, that is, the total income from toll calls——

A. (Interrupting): \$5,248.00——

Q. (Continuing) ——as amounting to \$5,248.48, is that right?      A. That is correct.

Q. Now, am I correct in stating that the balance of the \$14,960.04, which constituted the gross income of the Corcoran Telephone Exchange for the



(Testimony of C. H. Glenn.)

fiscal year 1938, came from sub- [2009] scriptions to telephone service by residents of Corcoran and vicinity?

A. From rentals.

Q. From rentals? A. Yes, sir.

Q. That is, rentals of the telephone, is that right? A. That is right.

Q. In other words, is that what we all look upon as being our telephone bill, individually?

A. That is it.

Q. Are those paid monthly to you by persons who have telephones in their houses here in Corcoran? A. Yes, sir.

Q. All right.

Now, will you please state whether any of that amount, that is the difference between the total income from toll calls, to-wit, \$5,248.48, and the \$14,960.04, you see——

A. (Interrupting): Yes, sir.

Q. (Continuing) ——came from any source outside the County of Kings?

A. No, sir, it did not.

Q. All right.

Now, will you please give us, Mr. Glenn, if you have it available, the percentage—withdraw that.

Now, on your direct examination, I believe you told us that [2010] the Corcoran Telephone Exchange, during the fiscal year 1938, had received a total amount of \$177.13 by way of revenue from out-of-state calls, is that right?

A. That is correct.

(Testimony of C. H. Glenn.)

Q. Am I correct in stating that that figure of \$177.13 is part of the \$5,248.48 figure you gave us as being the total amount received for all toll calls?

A. Yes, sir.

Q. All right.

Now, if you have worked it out, can you give us the percentage which the \$177.13, being the total revenue received during the fiscal year 1938 from all outside of state calls, bears to the total revenue of the Corcoran Telephone Exchange after the payment of taxes?

A. Yes, sir.

Q. State what it is?

A. One and eighteen-one hundredths percent.

Q. In other words, is that percentage—in other words, that percentage is one and eighteen-one hundredths per cent of the total revenue received by the Corcoran Telephone Exchange during the year 1938?

A. That is correct.

Q. All right.

Now, I believe you gave us the total number of calls handled by the Corcoran Telephone Exchange during the fiscal [2011] year 1938 as 35,558, is that right?

A. That is correct.

Q. And I think you also said that the total number of out-of-state calls was 77?

A. That is correct.

Q. Have you computed the percentage which the total number of out-of-state calls during the fiscal year 1938 bears to the total number of calls handled by the Exchange?

A. Yes, sir.

(Testimony of C. H. Glenn.)

Q. State what it is, please?

A. Two and sixteen one-thousandths of one per cent.

Q. All right.

In other words, am I correct in stating that would be .00216 per cent?

A. That is the way I figure it.

Q. Yes.

Mr. McTernan: Mr. Clark, I think that you have that percentage wrong. [2012]

Mr. Clark: Well, what percentage are you referring to?

Mr. McTernan: That 216 percent.

Mr. Clark: That is a mathematical——

Trial Examiner Lindsay (Interrupting): Let us not argue about that.

Mr. Clark: I submit, Mr. Examiner, it is 77 calls out of 35,558, and we can figure it out if we are wrong.

Q. Now, with respect to the total revenue, Mr. Glenn, which the Corcoran Telephone Exchange received during the fiscal year 1938 from out-of-state calls, and which I think you said was 177.13, will you please tell us whether or not that is the 30 per cent received by you, or is that the total amount of tolls charged for the calls?

A. That is the total amount of the tolls.

Q. The total amount of the tolls?

A. Yes.

Q. Then am I correct in stating that the Cor-

(Testimony of C. H. Glenn.)

coran Telephone Exchange actually received 30 per cent of that item?      A. That is correct.

Q. In other words, the amount you really received and the amount which is really part of your gross income for the fiscal year 1938 is 30 per cent of \$177.13?

A. That is correct.

Mr. Clark: I wonder if we could compute that.

Trial Examiner Lindsay: It isn't necessary. I will [2013] do that.

Q. (By Mr. Clark) You haven't figured out the percentage which that is, of course, is that right?

A. No, sir, I have not.

Q. Well, am I correct in stating then that of the \$177.13 which you have testified as received for out-of-state calls during the fiscal year 1938, 70 per cent of that amount was turned over to the P. G. & E.—the Pacific Telephone and Telegraph?

A. That is correct.

Q. Can you tell us, Mr. Glenn, of what physical equipment outside of the wires and cables—and I want this just generally—the Corcoran Telephone Exchange consists?      A. Pole lines.

Q. How about the office in Corcoran? What is there there?

A. A switchboard.

Q. And where is it that the line of the Pacific Telephone and Telegraph Company plugs into your system?

A. They come right to the switchboard in the main office.

(Testimony of C. H. Glenn.)

Q. All right.

Am I correct in stating that except for that, the entire system of the Corcoran Telephone Exchange is confined within Kings County?

A. That is true.

Q. All right. [2014]

Trial Examiner Lindsay: Any other questions?

Mr. Clark: I am not finished.

Trial Examiner Lindsay: I am sorry.

Q. (By Mr. Clark) Mr. Glenn, in addition to the 35,558 calls which I directed your attention to a few moments ago, were there any further calls handled by the Exchange during the fiscal year 1938?

I will withdraw that question and reframe it, Mr. Examiner.

Am I correct in stating, Mr. Glenn, that the 35,558 calls that I directed your attention to a few moments ago were only toll calls?

A. That is correct.

Q. Have you any idea of how many other local calls were handled by the Corcoran Telephone Exchange during the year 1938?

A. I have no idea.

Q. You don't keep track of those?

A. We have no track of those.

Q. Is that right? A. Yes.

Q. In other words, you are not giving us any estimate of the number of calls put in by your subscribers? A. No, sir.

(Testimony of C. H. Glenn.)

Q. Do you pay the P. G. & E.—rather the Pacific Telephone [2015] and Telegraph Company any payment for their plugging into your system here? Do you make any payment to them for that?

A. No.

Q. Am I correct in stating that all you get out of it is 30 percent of the outgoing calls?

A. That is correct.

Q. Or, in other words, 30 percent of that \$177 figure for the year 1938?

A. No, not our \$177. It may amount to—we got 30 percent of all the toll calls.

Q. Oh, I see.

30 percent of the entire amount?

A. That is the outbound calls.

Q. That would 30 percent of the \$5,248.48, if that was the total amount of the toll calls?

A. Yes.

Q. That is true, isn't it?                      A. Yes.

Q. All right.

And you received no payment whatsoever on incoming calls?                      A. No, sir.

Mr. Clark: That is all, Mr. Examiner.

#### Redirect Examination

Q. (By Mr. McTernan) Mr. Glenn, how many wires of the Pacific Telephone and Telegraph plug into your board? [2016]

A. There are either six or seven. I think there are seven now.

Q. If a call comes into the Corcoran Telephone



(Testimony of C. H. Glenn.)

Exchange from a point outside of Corcoran, collect, you get 30 percent of the toll on that call, do you not?      A. No, sir.

Q. Don't you get anything for calls coming in collect?

A. No—pardon me. We do. We get 30 percent where we collect the money, yes.

Q. Isn't it a fact that J. G. Boswell Company sends in many calls collect from various other offices?

Mr. Clark: May I have that question read back?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: I object to that on the ground it is incompetent, irrelevant and immaterial. J. G. Boswell Company is one subscriber out of a great many.

Trial Examiner Lindsay: He may answer the question.

The Witness: Yes, sir.

Q. (By Mr. McTernan) Isn't it a fact that the J. G. Boswell Company is your largest subscriber?

A. Yes, sir.

Q. Have you installed any new equipment in your telephone system in the past year? [2017]

A. Yes, sir.

Q. Would you tell us what that new equipment was?

A. Installation of cable to replace some old and additions.

(Testimony of C. H. Glenn.)

Q. Could you give us how much that material cost to buy, the actual material?

A. I would say about \$3500.

Q. Now, where did you purchase such material, Mr. Glenn?

A. The Graybar Electric Company of San Francisco.

Q. From where was that material shipped?

Mr. Clark: Objected to on the ground it is incompetent, irrelevant and immaterial, from where material was shipped to put in some lines, Mr. Examiner.

Trial Examiner Lindsay: It may be very material. He may answer.

The Witness: It was shipped from near Chicago. I don't remember the name of the town. [2018]

Q. (By Mr. McTernan) You know it was shipped from some point near Chicago? Some point in Illinois?

A. Yes.

Mr. McTernan: You may inquire.

#### Recross Examination

Q. (By Mr. Clark) Mr. Glenn, where did you place the order for this material?

A. In San Francisco.

Q. And what was the name of the Company again?

A. Graybar Electric Company.

Q. Did you have any communication whatsoever with anyone outside of the State of California with respect to that material?

(Testimony of C. H. Glenn.)

A. No, sir.

Q. How many subscribers has the Corcoran Telephone Exchange?      A. Just about 300.

Mr. Clark: Yes.

That is all.

Mr. McTernan. That is all.

Q. (By Trial Examiner Lindsay) Where do you buy your wire?

A. The Graybar Electric, and some from the Kellogg Switchboard & Supply Company of Los Angeles.

Mr. Clark: Mr. Examiner, may we have the Graybar Company located in connection with this question?

Trial Examiner Lindsay: San Francisco, and the second one [2019] in Los Angeles.

Q. Which is which?

A. The Graybar Electric Company is on Sansome Street in San Francisco, and the Kellogg Switchboard & Supply Company is in the San Fernando Building in Los Angeles.

Q. Now, in order to make a connection on a long distance telephone call to a point outside of the State of California, is it necessary that you plug into any other telephone company?

A. Yes, sir.

Q. And who do you plug in with?

A. We call Hanford.

Q. You call Hanford?      A. Yes.

Q. And in turn, Hanford must plug in with

(Testimony of C. H. Glenn.)

what other company?

A. They have their own company.

Q. What company is at Hanford?

A. Pacific Telephone and Telegraph Company.

Q. And do you pay for plugging in with that particular company?

A. Well, no. That is where we get 30 per cent of the outgoing calls from them.

Q. In order to make that call and continue it through and complete it, it must go through some other telephone company to its destination?

A. Yes, that is true. You mean, besides the Pacific?

Q. Through the Pacific? [2020]

A. Yes, we go direct to the Pacific.

Q. And the Pacific, of course, connects up with other telephone exchanges, does it not?

A. Well, I suppose—that is something I have no knowledge of, of course. It depends upon whether they have their own lines to the destination.

Q. And without that connection, you could not make your long distance telephone calls?

A. No, that is correct.

Q. Where do you buy your telephone poles?

A. We buy them principally from the San Joaquin Light & Power Company.

Q. What do you mean by “principally?”

A. We have bought some from the Graybar. They handle all electrical equipment; because of

(Testimony of C. H. Glenn.)

the convenience, I sometimes buy them at the yard of the San Joaquin.

Q. Now, is there any material that you have over there, equipment of any type, that you buy from points outside of the State of California?

A. No, sir.

Q. How about your switchboards?

A. How much are they?

Q. How about your switchboards?

A. I get those from the Graybar.

Q. The Graybar does not manufacture any of these articles, [2021] is that right?

A. I think they do. I think they manufacture their own switchboards. They are marked so, aren't they?

Mr. Clark: What was the last?

The Witness: They are so marked.

Trial Examiner Lindsay: Do they manufacture wire, wire that you use?

The Witness: I couldn't tell you that, but I suppose they do.

Trial Examiner Lindsay: That is all.

Mr. Clark: Mr. Glenn, the type of telephone call that you described to Mr. Lindsay just now is the type upon which the Corcoran Telephone Exchange receives 30 per cent and the Pacific Telephone and Telegraph Company receives 70 per cent, isn't that right?

The Witness: That is right.

Mr. Clark: Now, is there any connection at all

(Testimony of C. H. Glenn.)

between your Company, the Corcoran Telephone Exchange, and the Pacific Telephone and Telegraph Company other than the plugging in which you have described, and which takes place here in Corcoran?

The Witness: None whatever.

Trial Examiner Lindsay: Is that all?

Mr. Clark: That is all from us.

Mr. McTernan: That is all from us. [2022]

(Witness excused.)

Mr. McTernan: Could we have a ten-minute recess, Mr. Examiner?

Trial Examiner Lindsay: Yes, a ten-minute recess.

(At this point a short recess was taken, after which proceedings were resumed, as follows:)

Trial Examiner Lindsay: Hearing called to order.

Mr. McTernan: Mrs. Dunn.

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### MARGARET A. DUNN

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

#### Direct Examination

Q. (By Mr. McTernan) Will you state your name, please?      A. Margaret A. Dunn.



(Testimony of Margaret A. Dunn.)

Q. Your address?

A. 1310 Jepson Avenue.

Q. In Corcoran? A. In Corcoran.

Q. Are you here under subpoena, Mrs. Dunn?

A. Yes, I am.

Q. Have you ever worked for the Corcoran Telephone Exchange? A. I have.

Q. When were you first employed by the Exchange?

A. August 23rd, 1924. [2023]

Q. And how long did that employment last?

Mr. Clark: May I have that question, please?

Trial Examiner Lindsay: Yes. Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: Until March 1, 1939.

Trial Examiner Lindsay: May I have the last answer?

(The answer referred to was read by the reporter, as set forth above.)

Q. (By Mr. McTernan) Mrs. Dunn, on or about the 15th of February, will you tell me whether or not you had a conversation with Mr. Galusha?

A. Yes, I did.

Q. Where was that conversation held?

A. At his residence.

Q. Who is Mr. Galusha?

A. Manager of the San Joaquin Ginning Company.

(Testimony of Margaret A. Dunn.)

Q. Was anyone else present when this conversation took place?

A. His wife and nephew.

Q. Could you tell us what you said to him and what he said to you?

Mr. Clark: Objected to, Mr. Examiner, on the ground it is hearsay and not binding on any of the respondents in this proceeding, and so far as the respondent, the Associated [2024] Farmers of Kings County, Inc., is concerned, that there is no connection at all shown between that respondent and any of the persons present at the conversation.

Trial Examiner Lindsay: She may answer.

The Witness: What was the question?

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: I told him that I understood that a petition had been circulated to get Mr. Glenn to relieve me in my work at the Corcoran Telephone Exchange, and asked him if he knew anything about it.

He said he hadn't heard anything about it, but on request of his wife asked him to *do down* and ask Mr. Boyett if he knew anything about it.

Q. (By Mr. McTernan) Was anything else said at that time?

Mr. Clark: The same objection, and may it be deemed to run to this entire conversation?

(Testimony of Margaret A. Dunn.)

Mr. McTernan: So stipulated.

Trial Examiner Lindsay: She may answer.

The Witness: No, sir.

Q. (By Mr. McTernan) Did you see Mr. Galusha that day again? A. Yes.

Q. When was that?

A. An hour later. [2025]

Q. Where did you see him?

A. At his residence.

Q. Was anyone else present?

A. His wife.

Q. Will you tell us what was said during that conversation?

A. He told me that Mr. Boyett told him that he knew that a petition had been circulated——

Mr. Clark (Interrupting): Just a minute. The same objection, Mr. Examiner, on the ground it is hearsay and not binding on any of the respondents in this proceeding; also incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: She may answer.

Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: He said that Mr. Boyett said that he knew that a petition had been circulated because my two daughters had been seen talking with the pickets down at the Boswell gin and a conversation had been repeated and they were blaming me for it, that I was delivering the messages

(Testimony of Margaret A. Dunn.)

to the girls and they were taking them to the pickets.

Q. (By Mr. McTernan) Was anything further said at that time?

A. Not with Galusha. [2026]

Q. Now, did you speak to Mr. Glenn about this matter? A. The next day.

Mr. Clark: May I have the time fixed, Mr. Examiner?

Trial Examiner Lindsay: Yes.

Mr. McTernan: I was going to fix that.

Q. Where did you speak to Mr. Glenn?

A. At his house.

Q. What time of the day?

A. About 2;00 o'clock in the afternoon.

Q. Was anyone else present?

A. No, sir.

Q. Will you tell us what you said to Mr. Glenn and what Mr. Glenn said to you on this occasion.

Mr. Clark: Objected to on the ground it is hearsay as to the respondents Associated Farmers of Kings County and the respondent Boswell and Company.

Trial Examiner Lindsay: She may answer.

Read the question, please.

(The question referred to was read by the reporter, as set forth above.)

The Witness: I asked Mr. Glenn if he had heard about this petition. And he answered me and told me that he had been approached by a group of

(Testimony of Margaret A. Dunn.)

men about having me discharged from my work on account of leakage on the board and about the girls being seen associating with the union men. [2027]

And we discussed it in—well, I told him that Mr. Boyett had said—he told me about it and we went at quite length to talk over the situation. And he told me that inasmuch as—he told me inasmuch as I had worked for 15 years and my work had been satisfactory and he relied on me in every way, he informed them that he would not discharge me unless they brought actual facts of the case, and that he believed in me thoroughly and my work had been satisfactory and he was going to stand by me.

He said he knew they couldn't prove anything on me. And I told him the story about the girls, just how the girls happened to be seen talking to Mr. Prior.

And he said he believed the story and that he would stand by me, and he shook my hand and patted me on the back and told me not to pay any attention to it at all. [2028]

Q. (By Mr. McTernan) During this conversation, was there anything said about the labor trouble at the Boswell Company?

Mr. Clark: Same objection.

Trial Examiner Lindsay: Same ruling. She may answer.

The Witness: We talked it over. He told me about the labor trouble.

(Testimony of Margaret A. Dunn.)

Q. (By Mr. McTernan) What was said about it in general?

Mr. Clark: Is this the conversation between Mr. Glenn and this lady?

Trial Examiner Lindsay: Yes.

Mr. Clark: On February 16th, is that correct?

Mr. McTernan: Yes.

The Witness: Well, he just told me that, what everybody else knew in town, that there had been a disturbance, and that the men were just all worked up over the situation; and that any little thing that would take place just might cause an awful lot of disturbance in town.

Q. (By Mr. McTernan) Did you have any further conversation with Mr. Glenn after this time?

A. On Saturday morning of that same week.

Q. Where did this conversation take place?

A. At my home.

Q. Was anyone else present?

A. No, sir, that is, not in the room.

Q. No one in the room. [2029]

What time of day did you say it was?

A. Around about 8:00 o'clock.

Q. You said Mr. Glenn came to your house?

A. I called him to my house.

Q. You called him to your house.

Will you tell us what conversation took place at that meeting?

Mr. Clark: Objected to on the ground it is hearsay as to the Respondents, the Associated Farmers



(Testimony of Margaret A. Dunn.)

of Kings County and the J. G. Boswell Company.

Trial Examiner Lindsay: She may answer. Do you remember the question? Do you want it read?

The Witness: I remember the question.

I told him of a conversation that had been repeated to me by Mr. Galusha concerning this affair.

Q. (By Mr. McTernan) Well, tell us just what you said.

A. I told him that Mr. Galusha told me——

Mr. Clark (Interrupting): The same objection to this, and may the objection be deemed to run to this entire conversation? This is a different conversation that is alleged to have taken place between the witness and Mr. Glenn, and so my objection at this point runs only on behalf of the other Respondents, the Associated Farmers of Kings County and Boswell. That is why I have repeated them.

Trial Examiner Lindsay: Will you kindly read back the [2030] question and the answer thus far?

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: How do you spell Galusha?

Mr. McTernan: G-a-l-u-s-h-a.

Q. Is that the correct spelling of Mr. Galusha's name, Mrs. Dunn? A. I believe so.

Trial Examiner Lindsay: You may proceed.

The Witness: He said he had talked to Forrest Riley about this affair, and Forrest Riley——

(Testimony of Margaret A. Dunn.)

Mr. Clark (Interrupting): May I ask who this is saying this?

Trial Examiner Lindsay: Mr. Galusha. Is that it?

The Witness: I am telling Mr. Glenn of a conversation that Mr. Galusha told me he had had with Forrest Riley.

Mr. Clark: All right.

Trial Examiner Lindsay: All right. Proceed.

The Witness: Forrest Riley told him that he knew that——

Mr. Clark (Interrupting): Just a minute. I ask that it go out as not responsive, Mr. Examiner, because now this purports to be a positive statement by this witness as to what Forrest Riley told Mr. Galusha. Let's have it in the form of the conversation between the witness and Mr. Glenn. That is all I want to be sure of. [2031]

Trial Examiner Lindsay: Well, will you kindly let this lady answer the question? I have ruled that she may answer, and if there is any other point of objection that you have that you think you haven't covered, Mr. Clark, you may have the whole of your objection read back to you. If there is anything you want to add to it, you may add it, but each instance when the lady starts to talk there is an interruption there. We cannot get anywhere that way.

Do you want your objection read back to you, Mr. Clark?

Mr. Clark: No, it is all in there.

(Testimony of Margaret A. Dunn.)

Trial Examiner Lindsay: It is all in there.

Let's proceed.

Mr. Clark: Except that I can't anticipate that her answer is going to be non-responsive to the question. That is why I am breaking in.

Trial Examiner Lindsay: Will you kindly read back the question and the answer thus far?

(The record referred to was read by the reporter, as set forth above.) [2032]

Trial Examiner Lindsay: All right. Now proceed.

The Witness: He said that Forrest Riley had *knew* about this meeting with these men and that Bill Boswell told him that he would get my job if it was the last thing he did; that he was going to put detectives and a dictaphone in my home and have the girls watched to prove their point. He said he had no objection to my work or anything about me, but they were not going to tolerate having any of us associating with the pickets.

Q. (By Mr. McTernan) What did Mr. Glenn say to that?

A. I don't remember that there was anything particular said, only we just talked over the situation again. He did remark and ask me about the girls, if that was so, if the girls were going out with any of the men.

Q. Was that so? A. What.

Q. Is that so? A. No.

Q. Did you so tell Mr. Glenn? A. Yes.

(Testimony of Margaret A. Dunn.)

Q. What was the next time that you spoke to Mr. Glenn about this matter?

A. On March 1st.

Q. Where did this conversation take place?

A. In his office. [2033]

Q. At what time of day?

A. About—between—about 9:15, I believe; between 9:00 and 9:30 in the morning.

Q. And was anyone else present?

A. No, there wasn't.

Q. Will you tell us what you said to him and what he said to you?

Mr. Clark: Same objection as to the respondents other than the Telephone Exchange.

Trial Examiner Lindsay: She may answer.

The Witness: He asked for my resignation and I refused to and asked him why he wanted it. He said that pressure was being brought to bear too heavily on him he would have to ask me to resign, that he just couldn't stand what was being said. He said they were certainly awful. I asked him what was so awful about it and he wouldn't answer it. He said he couldn't tell me.

I said, "Well, is there anything personal?"

He said, "Absolutely not."

I said, "Anything about my work?"

He said, "Absolutely not."

Then I tried to make him tell me what it was. After awhile he said, "Isn't it true that your daughter Margaret is keeping company with Mr.

(Testimony of Margaret A. Dunn.)

Prior?"

Q. What did you say?

A. I said, "Absolutely not." I told him the story again. [2034] I said, "You told me," and I said, "You know she doesn't."

He also asked me if Dorothy had ever belonged to any secret organizations in school. I replied, "No."

Q. Well, what was the result of this conversation? Did you hand in your resignation?

A. No, I did not.

Q. Did you go back to work?

A. I went back to work that morning.

Q. And did you have any further conversation with Mr. Glenn about this matter?

A. The next morning when—it wasn't a conversation. He just——

Q. (Interrupting) Well, what happened the next morning?

A. At 7:00 o'clock he called me on the phone and told me not to report to work.

Mr. Clark: Same objection to that as to these other respondents.

Q. (By Mr. McTernan) Did he give you any reason?

Trial Examiner Lindsay: Just a moment.

Mr. Clark: I move to strike the question upon the ground of the objection previously stated—strike the answer, I mean.

Trial Examiner Lindsay: The answer may stand.

(Testimony of Margaret A. Dunn.)

Q. (By Mr. McTernan) Did he give you any reason for telling you not to come to work? [2035]

A. He give me that excuse that morning, I was getting too old for the work and I was sick and he just thought I better stay home.

Q. Had you been sick, Mrs. Dunn?

A. Not at that time.

Q. Now, subsequent to that time will you tell me whether or not you had a conversation with Mr. Forrest Riley? A. Yes, I did.

Q. When was that conversation held?

A. Somewhere between—in that week that I was told about the petition. I don't remember the exact day.

Q. No, Mrs. Dunn. I said subsequent to the last conversation which you have just testified to as having with Mr. Glenn, did you have a conversation with Mr. Forrest Riley. A. Yes, sir.

Q. When was that?

A. That was during the week before I was dismissed. He walked into the Exchange and I asked him——

Q. (Interrupting): No.

Trial Examiner Lindsay: Just a minute. Subsequent means after.

The Witness: Oh.

Q. (By Mr. McTernan) I said subsequent to the date that you were discharged by Mr. Glenn over the telephone, after that time. I think you



(Testimony of Margaret A. Dunn.)

testified that was on or about March [2036] 2nd, 1939.

A. Will you state your question again, please?

Trial Examiner Lindsay: Read the question, Mr. Reporter.

Mr. McTernan: I will reframe the question.

Trial Examiner Lindsay: All right.

Q. (By Mr. McTernan) Subsequent to March —after March 2nd, 1939, will you tell me whether or not you had a conversation with Mr. Forrest Riley? A. Yes, I did.

Q. And can you place that more definitely?

A. It was the date that I think—it was March 21st.

Q. Now, where was this conversation held?

A. At my home.

Q. Was anyone else present?

A. Not in the immediate room.

Q. About what time of day did this conversation take place?

A. 2:30 in the afternoon.

Q. And will you tell us what you said to Mr. Riley and what Mr. Riley said to you?

Mr. Clark: Objected to upon the ground it is incompetent, irrelevant and immaterial and hearsay as to all the respondents in this proceeding, no authority having been shown from any of the respondents to Mr. Riley to speak for them with respect to any matters under investigation.

Trial Examiner Lindsay: She may answer. [2037]

(Testimony of Margaret A. Dunn.)

The Witness: I asked him if he would be a witness—I was told to produce two witnesses for a hearing with the National Relations Board—and I asked him if he would be a witness. Well then, he proceeded to tell me just what he thought about my having anything to do with the National Relations Board.

Q. (By Mr. McTernan) Will you tell us what he said?

A. Well, he said they were just a bunch——

Mr. Clark (Interrupting): Same objection, of course. [2038]

Trial Examiner Lindsay: The same ruling. She may answer.

Q. (By Mr. McTernan) Just proceed and tell us what he said?

A. He said they are a bunch of skunks.

Q. Did he say anything more?

A. Went on and told me I might as well have a revolution as have the National Relations Board come down here. He asked me why I was doing it.

Mr. Clark: May the objection be deemed to run to this entire testimony?

Mr. McTernan: So stipulated.

Q. And was anything else said?

A. Quite a little bit.

Q. Will you tell us just what was said, Mrs. Dunn?

A. He told me just how they felt about it, about the National Relations Board coming into Cor-

(Testimony of Margaret A. Dunn.)

coran, and butting into their affairs, and said that they just weren't going to tolerate the National Relations Board men coming in here as they felt like they could handle their own business in their own way.

I told him that I didn't have anything to do with that, that wasn't why I was brought in. I didn't have anything to do with them whatsoever and I told him—we were talking about it—I told him about the girls. He mentioned the fact that the girls had been in the picket car. I questioned [2039] him three different times and made him acknowledge to me that he only saw the girls talking to Mr. Prior.

Q. (By Mr. McTernan) Outside the car?

A. Outside the car.

He told me of just what the results would be if the National Relations Board came.

I said, "All right, just as much pressure is brought to bear on Mr. Glenn to dismiss me, you go down there and bring pressure to bear to take me back on my work."

Q. What did he say to that?

A. He said he didn't think he could do that.

Q. Now, you have said that he told you that "they felt" so and so.

Did he say who "they" were?

A. Naturally referred to the farmers.

Mr. Clark: Just a minute. I ask that that go out, Mr. Examiner, as not responsive, and also calls

(Testimony of Margaret A. Dunn.)

for the opinion and conclusion of this witness. The answer, as I understand it, was that naturally he referred to the farmers.

Trial Examiner Lindsay: Yes. It may go out. Read the question, please?

(The question referred to was read by the reporter, as set forth above.)

Q. (By Mr. McTernan) Mrs. Dunn, whom did you understand he meant when he said "they?"

[2040]

Mr. Clark: Objected to upon the ground it is incompetent, irrelevant and immaterial, and has no bearing at all upon any of the issues in this matter, and calls for the opinion and conclusion of this witness, and is improper redirect examination. In other words, I take it that is what was said, the other objection having been overruled, that was what was said may come in, but not this lady's conclusions.

Trial Examiner Lindsay: Well, in the first place, this is not redirect examination.

Mr. Clark: I said "direct examination."

Trial Examiner Lindsay: Did you? I am sorry.

You may tell us what he said, if anything, about who they were.

The Witness: (Pause). I can't answer that direct because it was just taken for granted that is who they were implying.

Mr. Clark: I ask that the last go out, "as taken for granted."

(Testimony of Margaret A. Dunn.)

Trial Examiner Lindsay: It may stand.

Mr. Clark: I would like the record to show, Mr. Examiner, that my motion to strike the answer of the witness in that regard is based upon the ground that it is simply her conclusion and opinion.

Trial Examiner Lindsay: Did you have a motion to strike?

Mr. Clark: I asked that it may go out which, I take it, is one way of making a motion to strike. If there is any mis- [2041] understanding, I move to strike the answer at the present time on the ground that it is simply the conclusion of this lady.

Trial Examiner Lindsay: The motion is denied.

Q. (By Mr. McTernan) In this conversation, Mrs. Dunn, did Mr. Riley say what he would do if the National Labor Relations Board re-instated you? A. He did.

Q. What did he say about that?

Mr. Clark: Objected to on the ground it is hearsay, incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: She may answer.

The Witness: He would take out his phone and use his influence to see how many he could get taken out.

Q. (By Mr. McTernan) Did you have any conversation that day, March 21st or on or about March 21st, with any other people concerning this matter?

A. Yes, I did.

Q. With whom did you have such conversations?

A. Russel Slaybough and Mr. Boyett.

(Testimony of Margaret A. Dunn.)

Q. Was that one conversation? I mean did you have a conversation with Mr. Slaybough and Boyett together?

A. Not together; separately.

Q. With whom did you first have a conversation? With whom did you first have the conversation after you had a conversation with Mr. Riley? [2042]

A. Russel Slaybough.

Q. Where was this conversation held?

A. Out in the back yard.

Q. What back yard? Your back yard?

A. Yes.

Q. And was anyone else present?

A. My daughter Margaret.

Q. And about what time of day was this?

A. Around about 3:00 or 3:15.

Q. Will you tell us what you said to him, and what he said to you?

Mr. Clark: May I have the day fixed?

Trial Examiner Lindsay: Yes.

Mr. McTernan: I think we fixed it as the same day upon which she had the conversation with Mr. Riley.

The Witness: March 21st.

Q. (By Mr. McTernan) Is that right, Mrs. Dunn? A. Yes.

Q. Now, will you give us the conversation you had at that time, Mrs. Dunn?

Mr. Clark: Objected to on the ground it is hear-



(Testimony of Margaret A. Dunn.)

say, incompetent, irrelevant and immaterial as to all Respondents.

Trial Examiner Lindsay: She may answer. [2043]

The Witness: I asked him if it was so, if I had this hearing if it would hurt different people around Corcoran and would cause this upheaval that Mr. Riley claimed and he answered, "Yes, it would."

And I told him inasmuch as I felt duty bound to the people of the Corcoran, if it was going to do that, I would just ask the National Relations Board to withdraw it and not have a hearing.

Q. (By Mr. McTernan) Is that all that was said with Mr. Slaybough? A. Yes.

Q. And then I think you said you had a conversation following that with Mr. Boyett?

A. Yes.

Q. Was that held in the same place?

A. In the front room of my home.

Q. About what time was that?

A. I think between about 3:30 or 4:00 o'clock.

Q. Was anyone else present?

A. No, there was not.

Q. Was it on the same day as the other two conversations you have just testified to?

A. Yes.

Q. Will you tell us what you said to Mr. Boyett and what Mr. Boyett said to you? [2044]

(Testimony of Margaret A. Dunn.)

Mr. Clark: Objected to upon the ground it is incompetent, irrelevant and immaterial and hearsay as to all respondents.

Trial Examiner Lindsay: She may answer.

The Witness: I told him of the National Relations Board sending me a letter stating they wanted an investigation and a hearing and that I had talked to Forrest Riley and Russell Slaybough; they had given me their opinion about it and I was going to withdraw my charge just to help out the situation as I felt that I didn't want to make a disturbance in the town. We talked at quite length. Mr. Boyett told me that Clarence Salyer and Forrest Riley had approached him with this petition and he told them to tear it up and have nothing to do with it and that he wouldn't either.

Mr. Clark: That is Boyett that said that? By "he" you mean Mr. Boyett?

The Witness: Yes.

Q. (By Mr. McTernan) As a result of these conversations, did you take any action relative to your charge that you had filed with the National Labor Relations Board?

A. I sent a telegram to them.

(Thereupon the document above referred to was received and marked as "Board's Exhibit No. 21 for identification.)

(The document referred to was passed to Mr. Clark.) [2045]

Q. (By Mr. McTernan) Mrs. Dunn, I hand

(Testimony of Margaret A. Dunn.)

you a Postal Telegraph message addressed to Alice M. Rossiter, National Labor Relations Board, 1095 Market Street, dated March 21st, and ask you if you have ever seen that.

A. Yes, I have.

Q. Did you send that telegram?

A. I did.

Q. And who did you—did you send it to Mrs. Rossiter as a result of these conversations you have just testified to?

A. Yes.

Mr McTernan: I offer Board's for identification No. 21 in evidence.

Mr. Clark: I have no objection except the general objection to this entire line of testimony.

Trial Examiner Lindsay: Board's Exhibit 21 for identification received.

(Thereupon the document above referred to was received in evidence and marked as Board's Exhibit No. 21.)

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BOARD'S EXHIBIT NO. 21

[Postal Telegraph Form]

1939 Mar 21 PM 4:44

F64 9—Hanford Calif 21 410P

Alice M. *Resseter*

National Labor Relations Board 1095 Market St.

Do Not Send Representative Case XXC 619

Everything Satisfactory

MARGARET A. DUNN

[Endorsed]: Filed 6/7/39.

(Testimony of Margaret A. Dunn.)

Mr. McTernan: Will you mark this, please.

(Thereupon the document above referred to was received and marked Board's Exhibit No. 22 for identification.)

(The document referred to was passed to Mr. Clark.)

Q. (By Mr. McTernan) Mrs. Dunn, I hand you a letter dated April 4, 1939, addressed to the National Labor Relations Board, attention Mrs. Rositer, Regional Director, and ask [2046] you if you have seen that before?

A. (Examining document) Yes, sir.

Q. Does that letter—is that letter in your handwriting?      A. Yes, sir.

Q. Is that your signature on it there at the bottom of it?      A. Yes, sir.

Q. Now, in this letter you said "certain interested parties——"

Mr. Clark (Interrupting): Now, just a minute, please.

May I ask, Mr. Examiner, whether there is to be an offer before the exhibit is read?

Trial Examiner Lindsay: Oh, yes.

Mr. McTernan: I offer it in evidence, then.

Mr. Clark: To which we object on the ground it is incompetent, irrelevant and immaterial and hear-say as to all respondents.

(The document referred to was passed to Trial Examiner Lindsay.)

(Testimony of Margaret A. Dunn.)

Mr. Clark: Also self-serving, your Honor.

Trial Examiner Lindsay: Board's Exhibit 22 is received in evidence.

(Thereupon the document above referred to was received in evidence and marked Board's Exhibit No. 22.)

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BOARD'S EXHIBIT No. 22

Corcoran, Calif.

April 4, '39.

National Labor Relations Board

Att.: Miss Rosseter

Regional Director

In regard to case No. XX-C-619. Will say that it has not been settled satisfactory to date and would appreciate you holding the case open until you hear from me again.

Certain interested parties have said I would get my work back if I didn't press charges but I haven't gone back to work yet. Respectfully,

MARGARET A. DUNN.

[Endorsed]: Filed 6/7/39.

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Q. (By Mr. McTernan) Mrs. Dunn, was this letter written by you on or about the date that it bears? [2047]

A. What did you say?

Q. Was that letter written on or about the date April 4?

A. Yes, sir.

(Testimony of Margaret A. Dunn.)

Q. Which appears on the top of the letter?

A. Yes, it was.

Q. Now, in the second paragraph you say "certain interested parties have said that I would get my job back if I didn't press charges, but I haven't gone back to work yet."

Now, to whom did you refer when you said "certain interested parties"?

Mr. Clark: Objected to upon the ground it is self-serving.

Trial Examiner Lindsay: She may answer.

The Witness: Mr. Boyett.

Q. (By Mr. McTernan): Had he told you he would try to get your job back?      A. He had.

Q. When did he tell you that?

A. The same afternoon, March 21st, when I had that conversation with him.

Q. Now, Mrs. Dunn, on or about April 12, 1939, will you tell us whether or not you had a conversation with Mr. Fred Galusha?      A. I did.

Q. Where was that conversation held? [2048]

A. At my home.

Q. At what time of day?

A. Around about 8:30 in the evening.

Q. Was anyone else present, in hearing?

A. My son Walter, my daughter Margaret, and Jack.

Mr. Clark: May I ask who Jack is?

The Witness: My older son.

Q. (By Mr. McTernan): Will you tell us what



(Testimony of Margaret A. Dunn.)

you said to Mr. Galusha and what Mr. Galusha said to you on that occasion?

Mr. Clark: Objected to on the ground it is incompetent, irrelevant and immaterial and hearsay as to all of the respondents in this proceeding.

Trial Examiner Lindsay: She may answer.

The Witness: He said he had had a long conversation with Mr. Boyett out at his office and said things were looking pretty serious around town if I was going to go ahead with this and get an investigation by the National Relations Board. He said that Mr. Boyett told him there had been over 40 get together and said that they could bring an awful lot of damage to my family and to those who might testify for me.

Q. (By Mr. McTernan): Did he say what they could do to bring this damage upon you and your family?

A. Yes. He said he could hurt my husband's business [2049] through the Standard Oil; hurt my son Walter through his association, working for the San Joaquin Ginning Company; also Mr. Galusha's place as manager of the San Joaquin Ginning Company; my son was giving music lessons and my daughter was working part time at the variety store in town and also at the Charlene's Beauty Shop.

Q. Was that all that was said on that occasion?

A. Well, we discussed it at quite length.

Q. Well, what you have given us, was that the substance of what was said?

(Testimony of Margaret A. Dunn.)

A. I told him I didn't think it was right, that I had to withdraw my charges when nothing had been done for my reinstatement; that I felt humiliated, and the only way I could make—vindicate myself in the town of Corcoran was to be reinstated with my work at the Corcoran Telephone Exchange.

Mr. Clark: Well, may the objection be deemed to have run to this entire conversation?

Mr. McTernan: Yes, certainly, Mr. Clark. So stipulated.

Q. Now, following that conversation, can you tell us whether or not you had a conversation with Mr. Boyett?

A. The next evening at my home.

Q. Was anyone else present while this conversation took place?

A. My daughter, Margaret.

Q. Will you tell us what you said to Mr. Boyett and what [2050] Mr. Boyett said to you?

Mr. Clark: May I have the date fixed?

Q. (By Mr. McTernan) Can you tell us the date of that, or approximately the day, Mrs. Dunn?

A. Around about April 14th, 12th or 14th.

Q. Was that the day after this conversation you have just testified to with Mr. Galusha?

A. Yes.

Q. Will you tell us what you said to Mr. Boyett and what Mr. Boyett said to you on that occasion?

A. I asked——

(Testimony of Margaret A. Dunn.)

Mr. Clark (Interrupting): I am going to object to that on the ground it is hearsay as to all of the respondents; and incompetent, irrelevant and immaterial, no authority having been shown to Mr. Boyett from any of the respondents to take part in this affair.

Trial Examiner Lindsay: She may answer. Read the question, Mr. Reporter, please.

(The record referred to was read by the reporter, as set forth above.)

The Witness: I asked Mr. Boyett if the conversation I had with Mr. Galusha the evening before was so, and he said absolutely it was, that it was just—he felt very bad about it, and he hated to have to tell me those things, but that the people or whoever he was referring to were very indignant; it [2051] was going to cause an awful lot of hurt, friend pitted against friend, and it would just cause an awful lot of discord in the town of Corcoran. [2052]

Q. (By Mr. McTernan) Did he also tell you what this group of men could do to you and your family?

Mr. Clark: I object to that upon the ground it is assuming something not in evidence, “this group of men.” So far as I have heard, we have had reference to people and “they” and things of that sort.

Trial Examiner Lindsay: I believe that the testimony of this lady is that in one conversation

(Testimony of Margaret A. Dunn.)

there were forty men mentioned about a petition. She may answer, and you may have an exception.

Mr. McTernan: Will you read the question, please?

(The question referred to was read by the reporter, as set forth above.)

The Witness: Yes, he did.

Q. (By Mr. McTernan) What did he say—did he say the same thing that Mr. Galusha had said the night before?

Mr. Clark: Same objection.

Trial Examiner Lindsay: Same ruling.

The Witness: Yes, he did.

Mr. McTernan: I wish to mark this Board's Exhibit for identification next in order.

(Thereupon, the document above referred to was marked as Board's Exhibit No. 23 for identification.)

(The document referred to was passed to Mr. Clark.)

Q. (By Mr. McTernan) Now, as a result of these conversations [2053] Mrs. Dunn, to which you have testified to, did you take any action?

A. Yes, I did.

Q. And what action did you take?

A. I sent a letter to the National Relations Board in San Francisco, personally to Mr. Shaw, telling him that I wanted to withdraw my charges, to not have them pressed.

(Testimony of Margaret A. Dunn.)

Q. I hand you Board's for identification Number 23, and ask you if that is the letter you sent to Mr. Shaw?

A. (Examining document) Yes, it was.

Mr. McTernan: I will offer Board's for identification Number 23 in evidence.

Mr. Clark: Objected to upon the ground it is incompetent, irrelevant and immaterial, and hearsay as to all Respondents.

(The document referred to was passed to the Trial Examiner.)

Trial Examiner Lindsay: Board's Exhibit No. 23 is received in evidence.

(Thereupon, the document above referred to was received in evidence and marked as Board's Exhibit No. 23.)

#### BOARD'S EXHIBIT No. 23.

Corcoran, Calif.

April 14, 1939.

National Labor Relations Board

San Francisco, Calif.

Dear Mr. Shaw:

I would like very much to have you drop my case against the Corcoran Telephone Exchange, as there are too many personal friends, as well as members of my family, involved. We feel sure a satisfactory settlement will be made in a short time. We feel you would help us more by dropping

(Testimony of Margaret A. Dunn.)

the case than continuing it. I will not be here for interviews with anyone.

Sincerely,

MARGARET A. DUNN.

State of California,

County of Kings—ss.

On this 13 day of April in the year one thousand nine hundred and Thirty-nine before me, C. H. McDonald, a Notary Public in and for the County of Kings, State of California, residing therein, duly commissioned and sworn, personally appeared Margaret A. Dunn, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, in the County of Kings the day and year in this certificate first above written.

(Seal) C. H. McDONALD,  
Notary Public in and for the County of Kings,  
State of California.

My Commission Expires Mar. 9, 1941.

[Endorsed]: Filed 6/7/39.

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Q. (By Mr. McTernan) When was this letter written, Mrs. Dunn?



(Testimony of Margaret A. Dunn.)

A. About 8:30 in the evening.

Q. Was Mr. Boyett still present when the letter was written?      A. Yes, he was.

Q. Did he help you write it? [2054]

A. Yes, he did.

Q. Who suggested that you have it Notarized?

Mr. Clark: I object to that upon the ground it is incompetent, irrelevant and immaterial, and hearsay.

Trial Examiner Lindsay: She may answer.

The Witness: I do not remember.

Q. (By Mr. McTernan) What—did the Notary come that night to notarize the letter?      A. Yes.

Mr. Clark: Same objection.

Trial Examiner Lindsay: Same ruling.

The Witness: Yes, he did.

Q. (By Mr. McTernan) Who was the Notary?

A. Carl McDonald.

Q. Is it true that he is employed by J. B. Boyett?

Mr. Clark: I object to that on the ground it is incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: She may answer.

The Witness: Yes, he does.

Q. (By Mr. McTernan) Who mailed the letter, Mrs. Dunn?

Mr. Clark: The same objection, and may be the objection be deemed to run to this entire line of testimony?

Mr. McTernan: So stipulated.

(Testimony of Margaret A. Dunn.)

Trial Examiner Lindsay: Yes. She may answer.

The Witness: Mr. McDonald. [2055]

Mr. McTernan: You may inquire.

Mr. Clark: Very well.

### Cross Examination

Q. (By Mr. Clark) Mrs. Dunn, are you married? A. Yes, sir.

Q. Is your husband living? A. Yes, sir.

Q. How many children have you? A. Four.

Mr. Clark: May I have the Exhibits, please, particularly the formal file, and particularly the charge Mrs. Dunn filed and swore to on March 13th, 1939.

Mr. McTernan: Will you accept a copy?

Mr. Clark: Let us get the original. I think I have it.

Q. Now, Mrs. Dunn, I want to show you the original of the charge filed by you with the National Labor Relations Board of the Twentieth Region against the Corcoran Telephone Exchange on March 13th, 1939, or rather notarized by you on that day.

Do you remember the occasion of your swearing to this charge against the Corcoran Telephone Exchange?

A. I would have to have that question over again.

Mr. Clark: May I have it read, Mr. Examiner?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.) [2056]

(Testimony of Margaret A. Dunn.)

The Witness: Because I was dismissed from my work.

Q. (By Mr. Clark) Do you remember the place where you swore to it, the occasion of having sworn to it?

A. Yes, out at the San Joaquin Ginning Company.

Q. You anticipated my next question, Mrs. Dunn.

Am I correct in stating that this charge was notarized by Mr. Fred Galusha? A. Yes, sir.

Q. So that he was present when you swore to it, is that not right? A. Yes, sir.

Q. Who wrote the substance of the charge, that is, the text of it? A. I did.

Mr. McTernan: I object.

Mr. Mouritsen: I object to that on the ground it is incompetent, irrelevant and immaterial.

Mr. Clark: Submit it.

Trial Examiner Lindsay: She has already answered it.

Q. (By Mr. Clark) Did you do the typing on it? A. No, sir.

Q. Who typed it?

Mr. Mouritsen: Objected to as incompetent, irrelevant and immaterial. What difference would it make?

Mr. Clark: I think it will appear in a minute. [2057]

Trial Examiner Lindsay: She may answer.

(Testimony of Margaret A. Dunn.)

The Witness: My daughter Margaret.

Q. (By Mr. Clark) Where?

A. At our home.

Q. Have you a typewriter at your home?

A. Two.

Q. And was this typed on one of those typewriters?      A. Yes, sir.

Q. During the noon recess, will you bring me exemplars from each of these typewriters, that is, a piece of paper upon which you have typed from each typewriter? Will you do that?      A. Yes.

Mr. Mouritsen: Objected to as incompetent, irrelevant and immaterial.

Mr. Clark: I will submit it. It goes to the credibility of this witness, the authenticity of her answer.

Trial Examiner Lindsay: May I have that objection?

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: I want her simply to bring, Mr. Examiner, exemplars from each typewriter so I can compare it.

Trial Examiner Lindsay: I understand.

Mr. Mouritsen: If it is for the purpose of impeaching her on some immaterial matter, that does not tend to prove or disprove the issues in this matter. [2058]

Mr. Clark: I wouldn't say the verity of the charge which she is relying on is an immaterial matter.

(Testimony of Margaret A. Dunn.)

Mr. Mouritsen: Well, of course, the question does not go to that, Mr. Examiner.

Trial Examiner Lindsay: I am going to sustain the objection to that.

Mr. Clark: Very well.

Q. How did you happen to go to Mr. Galusha to have him notarize this?

Mr. Mouritsen: That is objected to as incompetent, irrelevant and immaterial.

Mr. Clark: I will submit it.

Trial Examiner Lindsay: She may answer that.

The Witness: He had been a Notary, and he told me he would be glad to notarize any papers that I had.

Q. (By Mr. Clark) Had you discussed this matter with him prior to March 13th of 1939?

Mr. Mouritsen: Objected to as incompetent, irrelevant and immaterial with whomever she talked it over.

The Witness: Yes, I talked it over.

Mr. Mouritsen: I move it go out.

Mr. Clark: It has been ruled on.

Mr. Mouritsen: I am sorry.

Q. (By Mr. Clark) The answer is you have?

A. I have. [2059]

Q. Who is Mr. Galusha?

A. Manager of the San Joaquin Ginning Company of Corcoran.

Q. Am I correct in stating that the San Joaquin Ginning Company is a competitor of the J. G. Boswell Company?

(Testimony of Margaret A. Dunn.)

Mr. Mouritsen: Objected to as incompetent, irrelevant and immaterial.

Q. (By Mr. Clark) If you know?

Trial Examiner Lindsay: She may answer, if she knows.

The Witness: I don't know if they are competitors or not. I know they are another ginning company.

Q. (By Mr. Clark) How long have you known Mr. Galusha? A. Five years.

Q. And how well do you know him, Mrs. Dunn?

A. My two sons worked for him a length of time.

Q. Well, do I understand that you were discussing your personal affairs, we will say, that is, your employment, with Mr. Galusha for some period of time prior to March 13th, 1939?

Mr. Mouritsen: Objected to as confusing and indefinite, vague, misleading.

Trial Examiner Lindsay: Sustained.

Q. (By Mr. Clark) Did Mr. Galusha advise you to file this charge? A. Absolutely not.

Q. I repeat my question, Mrs. Dunn: How did you happen to go to him to have him notarize it? [2060]

Mr. Mouritsen: Objected to as already asked and answered.

Trial Examiner Lindsay: Sustained.

Q. (By Mr. Clark) Did you discuss it with him at that time?



(Testimony of Margaret A. Dunn.)

Mr. Mouritsen: Objected to as vague and indefinite.

Trial Examiner Lindsay: Do you mean at the time she had him notarize it?

Mr. Clark: March 13th, 1939.

Mr. Mouritsen: To discuss what?

Mr. Clark: The charge.

Trial Examiner Lindsay: She may answer.

The Witness: I did not.

Q. (By Mr. Clark) You did not?

A. I did not.

Q. As a matter of fact, Mrs. Dunn, hadn't you on various occasions gone out of town with Mr. Galusha?

Mr. McTernan: Objected to as incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: Sustained. If you are through having her with that Exhibit, will you step down.

Mr. Clark: I am not through.

Is the objection sustained to that?

Trial Examiner Lindsay: Yes.

Q. (By Mr. Clark) I want to direct your attention, Mrs. Dunn, to the final language in the charge which we have been discussing, namely, that sworn to by you on March 13th, 1939. [2061]

Reading as follows: "They, however, were receiving a personal message through Mr. Prior from Drexel Sprecher, an N. L. R. B. Attorney whom one of my daughters met in Los Angeles long before there was any labor trouble in Corcoran."

(Testimony of Margaret A. Dunn.)

Now, will you please tell us which of your daughters you were referring to in that statement?

A. My daughter Dorothy.

Q. Very well.

Now, of course, this statement is true, isn't it, namely, that your daughter Dorothy had met Mr. Sprecher long before there was any labor trouble in Corcoran?

Mr. Mouritsen: Objected to as incompetent, irrelevant and immaterial.

Mr. Clark: Very well. I can get at it in another way.

(Laughter from the audience.)

Trial Examiner Lindsay: Just a moment. If I hear any laughing out there, I am going to absolutely put the people that are laughing out of this room.

Q. (By Mr. Clark) When was the——

Trial Examiner Lindsay (Interrupting): Just a moment.

Mr. Clark: Very well. Excuse me, Mr. Examiner.

Trial Examiner Lindsay: You may proceed.

Q. (By Mr. Clark) Now, I believe on your direct examination you told us that you had known about the trouble, so-called, at the Boswell plant. [2062]

Mr. McTernan: Objected to as assuming something not in evidence.

Mr. Clark: I am asking her that. I will reframe the question.

(Testimony of Margaret A. Dunn.)

Q. Did you tell us on your direct examination that you had heard about the trouble at the Boswell plant?

Mr. Mouritsen: May we have some definite time fixed?

Trial Examiner Lindsay: Yes.

Q. (By Mr. Clark) When it occurred in November of last year.

Mr. Mouritsen: I submit, Mr. Examiner, that that is vague and indefinite. Counsel said on a number of occasions there are a number of incidents contained in that general classification, and, therefore, the question is vague and indefinite.

Mr. Clark: I will submit it. The lady started to nod her head, I think, anyway.

The Witness: No, I didn't, Mr. Clark.

Mr. Clark: Didn't you?

Let me have the record read back, Mr. Examiner.

Trial Examiner Lindsay: Yes, read the record.

(The record referred to was read by the reporter, as set forth above.) [2063]

Mr. Clark: I will ask that that question be answered.

Mr. Mouritsen: And I believe the record shows an objection on the ground it is vague and indefinite.

Trial Examiner Lindsay: Well, she may answer.

The Witness: The question is still vague to me what he wants me to answer.

(Testimony of Margaret A. Dunn.)

Q. (By Mr. Clark) Let me ask you this, please, and I will withdraw the prior question.

Did you hear about their being some disturbance at the Boswell plant last November, namely, November, 1938?

Mr. McTernan: Objected to as vague and indefinite; what kind of a disturbance?

Mr. Clark: I don't know why we are here either, Mr. McTernan.

Mr. McTernan: Let's be definite about it.

Trial Examiner Lindsay: May I have the question?

(The question referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: What was the date?

The Reporter: November, 1938.

Mr. Clark: I said in November, 1938, yes.

Trial Examiner Lindsay: Do you understand the question?

The Witness: Yes; I don't remember.

Q. (By Mr. Clark) Well, you have heard the talk around the town from time to time concerning the Boswell situation [2064] ever since it has existed, haven't you?

Mr. Mouritsen: I object, Mr. Examiner. It is utterly impossible to give an intelligent answer to a question like that.

Trial Examiner Lindsay: Well, do you understand the question, Mrs. Dunn?

The Witness: Yes, I do.

(Testimony of Margaret A. Dunn.)

Trial Examiner Lindsay: She may answer.

Q. (By Mr. Clark) Will you please answer it for me.

Trial Examiner Lindsay: Well, now——

Mr. Clark (Interrupting): I am sorry.

Trial Examiner Lindsay: I told her to answer.

The Witness: I have.

Q. (By Mr. Clark) I would like to direct your attention and read to you and ask you to follow with me while I read in certain testimony given by your daughter, Dorothy Dunn, in this proceeding on Saturday morning, May 27th of this year as follows:

“Cross Examination.

“Q. (By Mr. Wingrove) You say you met Mr. Strecher when you came to Corcoran in the bus with him?”

You will stipulate that is “Sprecher”?

Mr. McTernan: Yes.

“A. Yes.

“Q. This was about February 1st? [2065]

“Yes, sir.”

Now, will you stipulate, Mr. McTernan, that the date referred to was February 1st, 1939?

Mr. McTernan: So stipulated.

Mr. Clark: Very well.

And I direct your attention to the further testimony given by your daughter, Dorothy Dunn, at the same time and place, as follows:

(Testimony of Margaret A. Dunn.)

“Cross Examination.

“Q. (By Mr. Clark) Miss Dunn, had you known Mr. Sprecher prior to the time you met him at the bus station?

“A. No.

“Q. You had not met him prior to the occasion you have told us about?

“A. No.

“Q. You got acquainted with him on the bus coming up here to Corcoran, is that right?

“A. Yes.”

Will you please tell us whether that is true?

Trial Examiner Lindsay: If you know.

The Witness: Why, I think it is. If she said it was, it is.

Q. (By Mr. Clark) Will you please explain to us, or rather his Honor, Mrs. Dunn, what you meant in the charge sworn to by you on March 13th of this year when you said: “They, [2066] however, were repeating a personal message through Mr. Prior from Drexel Sprecher, an N.L.R.B. attorney who one of my daughters”—whom you have already identified as Dorothy—“met in Los Angeles long before there was any labor trouble in Corcoran”?

A. Yes, I can answer that.

I was under the impression from her being home just a few times—she was only home a couple of days—and I understood this was the young man that she had met.

Q. Down in Los Angeles?



(Testimony of Margaret A. Dunn.)

A. Yes, I understood that, and she corrected me later after I had sent that letter in.

Q. And, Mrs. Dunn, is that just about the kind of information upon which you based the rest of the allegations in this complaint?

Trial Examiner Lindsay: Off the record.

(Here followed discussion off the record.)

Mr. Mouritsen: Mr. Examiner, I desire at this time to object to the question upon the ground it is argumentative.

Trial Examiner Lindsay: All right.

Mr. Clark: Submit it.

Trial Examiner Lindsay: Sustained.

Mr. Clark: May we have a recess? It is a quarter after 12:00.

Trial Examiner Lindsay: Yes, we will have a 20-minute [2067] recess.

(At this point a short recess was taken, after which the hearing proceeded as follows:)

Trial Examiner Lindsay: Let's have it quiet. Hearing called to order.

Mr. Clark: Respondents are ready.

Mr. Mouritsen: Ready for the Board.

Q. (By Mr. Clark) Now, Mrs. Dunn, do I understand that you signed the original charge which is marked Board's Exhibit 1(q) in this case dated March 13, 1939, and to which your attention has already been directed at the office of the San Joaquin Ginning Company? A. Yes, sir.

(Testimony of Margaret A. Dunn.)

Q. And is that here in Corcoran?

A. Yes, sir.

Q. Now, will you please state whether or not the document was typed at the office of the San Joaquin Ginning Company?      A. No, sir.

Q. In other words, as I understand your testimony this morning, it was typed by one of your daughters at your home prior to the time you took it over to the office of the San Joaquin Ginning Company?      A. Yes, sir.

Q. Is that correct?      A. Yes, sir. [2068]

Q. Which daughter typed it?      A. Margaret.

Q. Then did Mr. Galusha look it over before you signed it?

A. He just looked at my signature.

Q. Did you just walk into the office of the San Joaquin Ginning Company and sign it without his looking at it?

A. He watched me put my signature——

Q. (Interrupting): To the document?

A. Yes.

Q. And then what? He notarized it?

A. Yes, sir.

Q. That is right?      A. Yes, sir.

Q. And did he mail it to the Labor Board?

A. No, sir.

Q. Who did, please?      A. My daughter did.

Q. Did you then bring it back to your home?

A. Yes, sir.

Q. And delivered it to your daughter?

(Testimony of Margaret A. Dunn.)

A. Yes, sir.

Q. Now, you were seriously ill some year and a half prior to the time this complaint was filed, weren't you?      A. Three years.

Q. Was it three years? And I don't want to go into your [2069] personal affairs, but do I understand that some physician diagnosed your trouble as cancer?

Trial Examiner Lindsay: Well——

Mr. Clark (Interrupting): It is preliminary, Mr. Examiner.

Trial Examiner Lindsay: You don't have to answer that if you don't wish. I believe that is entirely outside.

Mr. Clark: I don't think it is. It is necessary to what I am about to develop.

Q. At any rate, Mrs. Dunn, you kept on at your position, didn't you, with Mr. Glenn?

A. Yes, sir.

Q. And will you please tell us during the year immediately preceding the first of March of this year whether or not you were in pain from time to time while working at the job?      A. Yes, sir.

Q. That is true, isn't it?      A. Yes, sir.

Q. Yes.

And you mentioned that fact to the other operators there on occasions and to Mr. Glenn, didn't you?      A. Yes, sir.

Q. Now, how frequent were these attacks—would these attacks take you during the year just

(Testimony of Margaret A. Dunn.)

preceding March 1st of this year and while you were working? That is all I am in- [2070] terested in.

A. I don't know.

Q. Can you give us a fair approximation of it?

A. I cannot.

Q. Were they daily? A. No, sir.

Q. In order to allay that pain, Mrs. Dunn, will you please tell us whether or not you kept some liquor available in the ice box in the office?

A. I did not.

Q. Will you please tell us whether or not during the year immediately preceding your discharge on March 1st you on any occasion drank any liquor while you were on duty? A. Twice.

Q. You did on two—

A. (Interrupting): Not on duty, just one time on duty, 15 minutes before I left duty, and it was given to me by Mrs. Glenn.

Q. All I am concerned with is this, and I want a fair answer on it: As to whether or not—not on one occasion or two occasions—but whether or not as a frequent thing you had several drinks while you were on duty because of your condition, that is, to allay the pain. A. No, sir.

Q. And are you positive and do you want to swear in this [2071] case, that you did not keep in the ice box at the office of the Corcoran Telephone Exchange on different occasions a bottle of liquor?

A. I did not.

Q. From which you drank while on duty?

(Testimony of Margaret A. Dunn.)

A. I did not.

Q. You are positive of that?                      A. Positive.

Q. All right.

Now, during the last year and immediately prior to March 1st of 1939 will you please tell us whether on any occasions and while you were on duty you got into arguments or disputes with customers of the Corcoran Telephone Exchange while putting in their calls?

Mr. Mouritsen: Objected to as vague and indefinite.

Mr. Clark: It is the best I can do. I have to ask the preliminary question. I want to know whether on any occasion she did.

Trial Examiner Lindsay: Specify the occasion.

Mr. Clark: Well, Mr. Examiner, I have the right to ask her, I submit.

Trial Examiner Lindsay: Proceed.

Mr. Clark: Will you read the question?

(The question referred to was read by the reporter, as set forth above.) [2072]

The Witness: Not any more than any other operator.

Q. (By Mr. Clark) Well, will you please answer my question and then explain.

The question is: Did you get into such arguments?

A. Yes, I did.

Q. Do you remember any of those specifically?

(Testimony of Margaret A. Dunn.)

A. I remember one very specifically with Mr. Crary at the bank.

Q. At what bank, please?

A. First National Bank of Corcoran.

Q. Now, without going into the details of it, did you have words with Mr. Crary about whether or not his call was going through fast enough?

A. I merely asked him to control his temper so I could give him good service. [2073]

Q. I see.

Now, were there any other occasions where you had words with customers?

A. There have been plenty.

Q. There have been plenty?

A. Throughout the fifteen years that I have worked there.

Q. Yes.

I am speaking particularly of the last year, that is, the year just prior to March 1st, 1939?

A. No, there had been less than there ever had been before.

Q. I see.

During the past year, Mrs. Dunn, that is, up to March 1st of 1939, did you on any occasion listen in on telephone conversations and announce that fact to the person talking?      A. I did not.

Q. You are sure of that?

A. Let me have your question over again?

Mr. Clark: Read the question.

Trial Examiner Lindsay: Read the question.



(Testimony of Margaret A. Dunn.)

(The question referred to was read by the reporter, as set forth above.)

The Witness: I cannot answer. I do not know.

Q. (By Mr. Clark) Well, did you on occasions listen in to telephone conversations?

A. No, sir. [2074]

Q. Are you sure of that?

A. I am sure of that.

Q. Of course, you know that is contrary to the rules of the Exchange, don't you?

A. It isn't on long distance calls.

Q. In other words, you are allowed to listen in, are you? A. Yes, sir.

Q. And did you listen in? A. No, sir.

Q. I see.

Now, were you aware during the year 1939, that is, up to March 1st of 1939, of any of the customers of the Exchange making complaints about the service you were giving?

A. They complain constantly about all of the telephone work.

Q. I am asking particularly about you?

A. No.

Q. Were there any complaints made about you that you were aware of? A. No, sir.

Q. Are you sure of that?

A. I am sure of that.

Q. Didn't Mr. Glenn, on the occasion of the first talk he had with you about your staying on at the

(Testimony of Margaret A. Dunn.)

Corcoran Telephone Exchange, and which you placed this morning, I think, as being sometime in February of 1939, tell you that complaints had come [2075] in about you?       A. No, sir, he did not.

Q. Didn't he on that occasion call attention to your illness, Mrs. Dunn, and ask you why you didn't give up your position in view of the fact that your husband was working?       A. Not the first time.

Q. When did he say that?

A. The second time.

Q. Now, will you place that for us, please?

A. (Pause.)

Q. As nearly as you can?

A. Well, it is on the record.

Q. Let us have your recollection on it, please?

A. It was March the 1st.

Q. How do you place that date?

A. Just like anybody else would. If you had gone through what I did, you would know then.

Q. Is that the only way that you place the date as March 1st, 1939 for us?

A. That is when it happened.

Q. As being the time of this conversation?

A. That is when it happened.

Q. Well, can you tell us what you did two weeks ago today, Mrs. Dunn?

A. If I think real clearly, I could. [2076]

Q. You are positive this was on March 1st?

A. Yes, sir.

Q. Of this year? Do I understand that at that

(Testimony of Margaret A. Dunn.)

time Mr. Glenn suggested to you that you retire from your position in view of your illness and these complaints that had been coming in?

A. No, sir.

Q. What did he say about that, if anything?

A. Well, what conversation?

Q. On March 1st.

Q. That is when he told me my work had been very satisfactory, he liked my work and he wanted me to be with him; I would have a job as long as I wanted it. I went right out in the outer room and told the other operators on duty Mr. Glenn's attitude about the whole situation.

Q. Why did you tell them his attitude? Had they been making remarks to you?

A. We talk everything over, just like anybody else would.

Q. You mean you and the other operators?

A. Yes.

Q. Had they been talking over these complaints that were being made about you?

A. I had told them about this petition.

Q. Oh, I understood you to say a few minutes ago, Mrs. Dunn, that in some conversation with Mr. Glenn that he suggested to you that in view of your illness and these complaints, and [2077] in view of the fact that your husband was working anyway, that you give up your position?

A. That was the second day.

Trial Examiner Lindsay: Just a moment, now.

(Testimony of Margaret A. Dunn.)

Mr. Clark: All right.

Trial Examiner Lindsay: Mr. Clark, she didn't say anything about "in view of these complaints, or her husband's working" as I recall her testimony.

Mr. Clark: I thought she did. She has answered it now, anyway.

Trial Examiner Lindsay: Well, that is the bad part of putting those things in the question.

Will you read that question back?

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: By that answer, Mrs. Dunn, do you mean that you were told by Mr. Glenn that complaints were made against you?

The Witness: That was the day he asked me to resign.

Trial Examiner Lindsay: Well, did he tell you about the complaints being made against you?

The Witness: He said that there had been complaints made about the service.

Trial Examiner Lindsay: Did he say anything to you at that time about your husband working? [2078]

The Witness: Yes.

Q. (By Mr. Clark) What did he say in that respect, please?

A. He said that my husband was a good man, and I ought to stay home and keep house for him.

Q. I see.

(Testimony of Margaret A. Dunn.)

Now, during that conversation, did Mr. Glenn make any remark to you about your keeping liquor in the office?

Mr. Mouritsen: May I have——

Mr. Clark: (Interrupting) Well, she fixed it as the second conversation. I don't know when it happened. I wasn't there.

Q. Can you fix the date of the second conversation for us that you are now telling us about?

A. (Pause.)

Trial Examiner Lindsay: Just take your time, Mrs. Dunn.

Q. (By Mr. Clark) Just approximately.

A. (Pause.) Well, I had it all clear this morning. I don't know whether I can remember or not. I know it was the second conversation when he called me back in the office. It was—wait a minute—it was March the 1st because that was the day—it was March 2nd he called me up and told me he didn't want me to come back to work.

Q. Mrs. Dunn, how long was it before you took the stand this morning that you last talked to anyone concerning your testimony in this case? [2079]

Mr. Mouritsen: Objected to as immaterial.

Mr. Clark: Submit it.

The Witness: What was that question?

Trial Examiner Lindsay: She may answer.

The Witness: What was the question?

Mr. Clark: It will be read back to you.

(The record referred to was read by the reporter, as set forth above.)

(Testimony of Margaret A. Dunn.)

The Witness: Well, I don't know.

Q. (By Mr. Clark) Well, you have, of course, gone over your testimony which you gave this morning with Mr. Mouritsen, haven't you? A. Yes.

Q. And with Mr. McTernan, I take it, also?

A. Yes. Not with Mr. Mouritsen. I object to that. I did not with Mr. Mouritsen. I did with Mr. McTernan.

Q. Just with Mr. McTernan? All right.

Now, when was the last time you talked to Mr. McTernan about your testimony?

A. Last evening.

Q. Yes, last night, wasn't it? A. Yes.

Q. And all these things were fresh in your mind when you took the stand this morning, is that right?

A. They are fresh in my mind all the time. [2080]

Q. Now, too? A. Yes.

Q. All right.

Now, when was the date of this conversation you call the second conversation at which Mr. Glenn told you about the complaints which were being made, and mentioned your husband having a job, and that you ought to stay home and keep house for him?

Trial Examiner Lindsay: It is already in the record. It was March the first.

Mr. Clark: I wonder whether it was March the first.

Trial Examiner Lindsay: Read the record.



(Testimony of Margaret A. Dunn.)

Mr. Clark: Let us have the lady's testimony on it, if I may?

Trial Examiner Lindsay: May I have the record read, Mr. Reporter?

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: I want to know which it was, Mr. Examiner, March 1st or March 2nd.

Trial Examiner Lindsay: Now, then?

The Witness: March the first.

Q. (By Mr. Clark) It was March 1st? You are positive of that now, are you?

A. All right. [2081]

During that conversation on March 1st, did Mr. Glenn mention to you that the other operators complained of the smell of liquor in the office?

A. He did not.

Q. Was the subject of your keeping any liquor in the office of the Corcoran Telephone Exchange mentioned at all between you and Mr. Glenn on this occasion, namely March 1st of this year?

A. There was not.

Q. And was that subject mentioned between you and Mr. Glenn on any other occasion?

A. I had told Mr. Glenn that I had to take four glasses of Port wine a day for my health.

Q. Oh, I see. All right.

Now, when did you tell Mr. Glenn that?

A. Several months ago.

Q. And did you each and every day during the

(Testimony of Margaret A. Dunn.)

past year, while working at the Exchange, take four glasses of Port?

Mr. Mouritsen: I object to that as ambiguous. I mean, it is a double-meaning question, did she take them at the Exchange or while working at the Exchange.

Mr. Clark: I am asking while at the Exchange, yes.

The Witness: No, I did not.

Q. (By Mr. Clark) You did not? A. No.

Q. You didn't keep this bottle of Port at the office, then, [2082] I take it? A. I did not.

Q. Nor in the ice box of the office?

A. I did not.

Q. Well, now, will you tell us whether you took any of the four glasses of Port, which you have told us you were supposed to take each day, at the office of the Corcoran Telephone Exchange?

A. I did not.

Q. Are you positive of that? A. Positive.

Q. So that there couldn't be any smell of that through the office so far as anything you did is concerned?

Mr. Mouritsen: Objected to as incompetent, irrelevant and immaterial; already asked and answered.

Trial Examiner Lindsay: Sustained.

Mr. Clark: Very well.

Q. Now, what did you say to Mr. Glenn, please, Mrs. Dunn, when he suggested that you ought to

(Testimony of Margaret A. Dunn.)

stay home and keep house for your husband?

A. I told him that was a poor excuse.

Q. You said that was a poor excuse?

A. Yes.

Q. And do I understand that it was on March 1st of this year that you were discharged? [2083]

A. March 2nd.

Q. March 2nd.

Now, during your direct examination, you referred to a conversation which I think you said took place on April 13th of this year with Mr. Galusha.

Do you remember that?

A. Yes, sir.

Q. Did you have a conversation with Mr. Galusha on April 13th? A. I said——

Q. (Interrupting) Of this year?

A. I said about.

Q. About the 13th? A. Yes.

Q. And in that conversation did he report to you a conversation which he had had with Mr. Boyett? A. Yes, sir.

Q. All right.

Now, you have this incident in mind, don't you?

A. Yes.

Q. And then did you later have a conversation with Mr. Boyett on or about April 13th?

A. The next evening.

Q. The next evening. All right.

Did you ask Mr. Boyett to come to your house on that [2084] occasion? A. I did.

(Testimony of Margaret A. Dunn.)

Q. And he did, is that right? A. Yes.

Q. How long have you known Mr. Boyett?

A. Practically ever since I have been in Corcoran.

Q. How long is that, please?

A. Seventeen years.

Q. I see.

Now, will you please tell us, Mrs. Dunn, whether either in the conversation that you had with Mr. Galusha or in the conversation which you had directly with Mr. Boyett, Mr. Boyett said that he was going to do these various things to you and your family?

Mr. Mouritsen: Now, may I have that question read?

Mr. Clark: I cannot recall all the record, but it is something——

Trial Examiner Lindsay (Interrupting): May I have that question read?

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: Do you understand the question?

Q. (By Mr. Clark) You remember the things you testified to? A. Yes, I do. [2085]

Q. Well, the thing I am after is this: Did Mr. Boyett tell you, or did Mr. Galusha say that Boyett had told him, that he, Boyett, was going to do those things? A. No, sir, he did not.

Q. As a matter of fact, Mr. Boyett had been a

(Testimony of Margaret A. Dunn.)

rather good friend to you over quite a period of years, hadn't he?           A. In a business way.

Q. Well, in a business way.

And you had confidence in him?

A. I had.

Q. You understood on these occasions he was trying to help you, isn't that right?

A. Yes, sir.

Q. And so when you had your conversation with Mr. Galusha in which Mr. Galusha repeated what Boyett had said, and then you later asked Mr. Boyett to come to your house and had a conversation directly with him, you didn't mean to tell us that it was Boyett who threatened you in any way?

A. No, sir.

Q. All right.

In other words, Boyett told you, as I understand it, what certain people here in Corcoran might do, or what the rumors were to that effect, is that right?           A. Yes, sir. [2086]

Q. And do I understand that Mr. Boyett stated to you, Mrs. Dunn, that he would attempt to use such influence as he had to get your job back?

A. Yes, sir.

Q. And you simply haven't heard from him in that regard, is that?           A. Yes.

Mr. Clark: That is all.

May the record show, Mr. Examiner, that this cross examination is on behalf of the respondent Corcoran Telephone Exchange?

(Testimony of Margaret A. Dunn.)

Mr. McTernan: So stipulated.

Mr. Clark: Very well.

Mr. Mouritsen: Merely on behalf of the Exchange?

Mr. Clark: Yes, that is right. You said, "So stipulated."

Mr. McTernan: Do I understand that you do not intend to cross examine on behalf of the others?

Mr. Clark: No, that is all the cross examination. I am going to rely on the objections so far as the other respondents are concerned.

Mr. Mouritsen: That is satisfactory with that understanding.

Mr. Clark: Very well. [2087]

#### Redirect Examination

Q. (By Mr. McTernan) Mrs. Dunn, what was your salary while you last worked for the Exchange?

Mr. Clark: May I have that read back?

(The record referred to was read by the reporter, as set forth above.)

The Witness: \$18 a week.

Q. (By Mr. McTernan) And how long had you been earning \$18 a week?

A. I would have to go back over the records. I haven't any idea. It was cut at certain times and increased.

Q. But for some period before March 1st, 1939, you had been earning \$18 a week?      A. Yes.



(Testimony of Margaret A. Dunn.)

Q. Mrs. Dunn, isn't it a fact that when a call is put through the Corcoran Telephone Exchange that it is necessary for the operator to break into the call in order to determine whether or not the call has been completed by the two parties?

A. It is.

Q. Is that true of all business calls?

A. Absolutely.

Q. Is there any equipment at the exchange so that there is any light flashing as a signal, or any sort of a signal, which would indicate when a telephone conversation is ended?

A. There is not. [2088]

Q. And how old are you, Mrs. Dunn?

A. 46.

Q. Since March 1st, 1939, have you been employed at all?

A. No, sir.

Q. Have you earned any money—

A. (Interrupting) What day?

Q. March 1st, 1939, or March 2nd, 1939.

A. No, I have not.

Q. Have you earned any money at all?

A. No, sir.

Q. If the National Labor Relations Board should reinstate you with back pay would you be willing to accept employment with the Corcoran Telephone Exchange?

A. I would.

Mr. McTernan: That is all.

Recross Examination

Q. (By Mr. Clark) Well, Mrs. Dunn, your

(Testimony of Margaret A. Dunn.)

husband has supported you since March 1st of this year, hasn't he?

Mr. Mouritsen: Objected to as incompetent, irrelevant and immaterial.

Mr. Clark: I will submit it.

Trial Examiner Lindsay: Sustained.

Mr. Clark: Very well. Just one further question.

Q. Mrs. Dunn, you will notice that this charge which we have discussed and which is dated March 13, 1939, or that is [2089] notarized by Mr. Galusha on that day, is on a printed form which is headed "Before the National Labor Relations Board" and has a place for the heading and then the printed word "Charge."

Will you please tell us where you got that form?

A. They sent it to me.

Q. And by "they," whom do you mean?

A. The National Labor Relations Board from San Francisco.

Q. From the Twentieth Region in San Francisco? Had you written them prior to that time for a form?      A. Not for a form, just my case.

Q. I see.

And was that at someone's suggestion that you wrote them?

A. No, sir.

Mr. Clark: I see.

Have you gentlemen the letter which Mrs. Dunn first wrote to the Regional Director for the Twentieth Region?

(Testimony of Margaret A. Dunn.)

Mr. Mouritsen: Yes, we have the letter.

Mr. Clark: May I see it?

Mr. Mouritsen: Yes.

(The document referred to was passed to Mr. Clark.)

Mr. Mouritsen: Let the record show we are passing to Mr. Clark a Government document.

Mr. Clark: Yes, surely.

Mr. Examiner, I would like that in the record, but I [2090] don't want to destroy my objection by making the offer.

Will you offer it, Mr. Mouritsen? It will come in under my general objection. You might as well complete the correspondence on it as you have got other letters in there between the Director and Mrs. Dunn. I simply don't want to offer it, you see, because it would bind me.

Mr. Mouritsen: If you want it in the record, if you want to complete the record in that regard, you can offer it or read it into the record. We have no objection.

Mr. Clark: I don't want to offer it for the reasons I have stated. I do not want to destroy my objection. I don't think it adds anything anyway.

Trial Examiner Lindsay: Proceed.

Mr. Clark: That is all.

Mr. McTernan: That is all.

Trial Examiner Lindsay: That is all.

(Witness excused.)

Mr. McTernan: Mr. Dunn.

## JOHN ERNEST DUNN

called as a witness by and on behalf of the National Labor Relations Board, having been first duly sworn, was examined and testified as follows:

## Direct Examination

Q. (By Mr. McTernan) Will you state your full name, please? [2091]

A. John Ernest Dunn.

Q. Your address?

A. 1310 Jepson Avenue, Corcoran, California.

Q. Are you here under subpoena, Mr. Dunn?

A. Beg pardon?

Q. Are you here under subpoena? A. Yes.

Q. What is your business or occupation?

A. Foreman machinist for the California Company, pipeline department, subsidiary of the Standard Oil Company of California.

Q. You are the husband of Mrs. Margaret A. Dunn? A. I am.

Q. Now, on or about March 1st, 1939, will you tell me whether or not you had a conversation with Mr. Glenn of the Telephone Exchange?

A. I did on the evening of March 1st.

Q. Where was that conversation held?

A. In his office behind the bank building in Corcoran.

Q. Was anyone else present?

A. Dick Harp was in the room and Gene Nunhof was in the room.

Q. Were they within hearing distance?

(Testimony of John Ernest Dunn.)

A. I don't think so.

Q. Will you tell us what you said to Mr. Glenn and what Mr. [2092] Mr. Glenn said to you on that occasion?

Mr. Clark: Objected to as hearsay and incompetent, irrelevant and immaterial so far as the respondents Associated Farmers of Kings County and J. G. Boswell Company are concerned.

And I understand that Mr. Glenn is the Mr. Glenn who testified here this morning?

Mr. McTernan: I think I added in my question, "Mr. Glenn of the Telephone Exchange."

Trial Examiner Lindsay: Yes. There is no doubt about that. Proceed. He may answer.

The Witness: What is the question now?

Trial Examiner Lindsay: Read the question, Mr. Reporter.

(The record referred to was read by the reporter, as set forth above.)

The Witness: I asked Mr. Glenn what he had against my family and he started right in saying, "You know there has been trouble, labor trouble at the Boswell gin."

And I said, "Well, Mr. Glenn, I was under the impression that this trouble was all over. I haven't heard anything about it in about two or three weeks and, therefore, I considered it was closed."

Mr. Glenn said, "Oh no, it is not closed. It is getting worse." [2093]

(Testimony of John Ernest Dunn.)

And then he started in giving me a history of the labor trouble.

Mr. Clark: I move, may it please your Honor, that that go out as not responsive.

Trial Examiner Lindsay: Yes. Tell what he said.

Mr. Clark: Let us have what he said.

The Witness: I can't remember his whole conversation. He talked for several—you might say for several minutes on the subject. He said——

Trial Examiner Lindsay (Interrupting): Give it as near as you can remember, in substance.

The Witness: Well, he said, "You know that this labor trouble is not directed against the Boswell Company primarily."

He says, "It is aimed at the farmers."

He said——

Mr. Clark (Interrupting): May it be stipulated that my objection runs to this entire line of testimony?

Mr. McTernan: So stipulated.

Trial Examiner Lindsay: Proceed.

The Witness: He said that the union—he didn't specify which union or any union—he said, "The union has been trying to organize farm labor in this district for some months. They have not been able to do so and that they figure now the best way they can get at this question is to organize the Boswell Company and their employees in turn will refuse to [2094] handle the farm products that are produced under non-union conditions."



(Testimony of John Ernest Dunn.)

That is all I remember definitely he said, but he talked for quite a little while on this line.

Q. (By Mr. McTernan) That is all you remember he said about the labor trouble at the Boswell plant? A. Well, yes.

Q. What did you or he say after that?

A. I interrupted him right there and said, "Mr. Glenn, I am not interested in all that. I came down here to ask you why you have discharged my wife."

And he threw up his hands. He said, "Wait a minute. This all ties in together." That is just exactly what he said.

He said, "You know your two daughters were seen down at the Boswell gin talking to the pickets."

I said, "No, I didn't understand that, Mr. Glenn. I understood they were down there talking to Mr. Prior."

And I said, "Also my wife, I believe, explained to you how they happened to be down there."

He said, "Oh yes, she explained it."

And I said—(Pause)—I don't seem to recall the exact words right there—anyway, he said—I said to him, "Well then, Mr. Glenn—" no, wait a minute. I will correct that. [2095]

He did say, "Well, your daughters were seen talking to the pickets at the gin," and he said, "Those who saw them have become very angry."

And he said, "They have told me that your daughters are carrying messages from your wife to the pickets."

(Testimony of John Ernest Dunn.)

I said, "Mr. Glenn, don't you think it would be rather foolish for my daughters, if they had such messages, to deliver, to come down right under the noses of the persons most concerned, to deliver such messages."

He said, "Oh, I don't know about that."

I said, "Well then, Mr. Glenn, in other words, pressure is being brought to bear on you to discharge my wife because my daughters were seen talking to the pickets?"

He said, "Yes, there is," and he says, "They are threatening to ruin my business if I don't do so."

I then said, "Well, Mr. Glenn, you know and I know that they cannot hurt your telephone business. As far as your farm interests are concerned, I don't know anything about how you are tied up."

He then said, "Well, I don't know what to do about the whole thing."

I agreed with him, that I didn't know what to do about it. He didn't seem to be inclined to say anything more.

Mr. Clark: I move that that go out, Mr. Examiner.

Q. (By Mr. McTernan) At that point the conversation ended? [2096]

A. That wound up the conversation.

Trial Examiner Lindsay: Yes. That one part may go out, "He did not seem to be inclined."

Q. (By Mr. McTernan) Well, did you have any other conversations with Mr. Glenn about this matter? A. I did the next morning.

(Testimony of John Ernest Dunn.)

Q. Where was that held?

A. In his automobile.

Q. Where was the automobile parked?

A. It was not parked. He picked me up in front of his office and drove up by the San Joaquin Cotton Gin and back again.

Q. Just you and Mr. Glenn in the car?

A. That is all.

Q. And what time of day was it?

A. Why, it was probably between 8:00 and 9:00 o'clock, around 9:00 o'clock, I would say.

Q. Will you tell us what he said to you and what you said to him on that occasion?

Mr. Clark: Same objection, Mr. Examiner, upon the ground that this is hearsay and incompetent, irrelevant and immaterial to the respondents Associated Farmers of Kings County and the J. G. Boswell Company. I will ask that that stipulation run, or rather that the objection be stipulated to run to this entire conversation. [2097]

Mr. McTernan: So stipulated.

Mr. Clark: Very well.

Trial Examiner Lindsay: Now, will you read the question?

(The record referred to was read by the reporter, as set forth above.)

The Witness: Yes. He said he had sent for me because he wanted to correct an impression that he knew I had the evening before, it being that I thought that the Boswell people were bringing pres-

(Testimony of John Ernest Dunn.)

sure to bear on him to discharge my wife. He wanted to let me know that was not so, that he was discharging my wife for her own good, that she was getting along in years, and was nervous and high strung, and he didn't think on account of her health she ought to be working down there. [2098]

Q. And what did you say to that?

A. I said, "Well, Mr. Glenn, then this petition that has been circulated has had nothing to do with this case."

He said, "There has been no petition circulated. That is all out. There is nothing of that kind in it at all."

I said, "Well, Mr. Glenn, there are several friends of ours have told us that this petition was circulated and now you are either badly mistaken or our several friends are damn liars."

Q. Was anything else said? A. Oh, yes.

He then said—oh, I don't know the exact order, of course, but the statements were made—he said, "Nine men did come to see me about ten days ago and demanded that I discharge your wife."

And he spoke as if these nine men had come in a body.

Mr. Clark: I move that that go out, Mr. Examiner, namely, this witness speaking as if nine men had come in in a body. If they said anything in that regard, I assume that comes in subject to the objection, but I object to this and move to strike it on the ground that it is a conclusion of the wit-

(Testimony of John Ernest Dunn.)

ness. It is an improper manner of relating a conversation.

Trial Examiner Lindsay: Just tell what he said. If he said they came in a body, all right. If he didn't, then the other may go out. [2099]

The Witness: No. He said, "Nine men came to see me ten days ago, approximately ten days ago." And he said, "I laughed at them, and a couple of days ago three of these same men came to me again, met me on the street corner, and demanded that I do something about this."

He, Mr. Glenn, then stated that "Your wife has been having trouble with the operators."

He said, "I went into the Exchange the other day and I met your wife coming out of the door. She was half crying. I went on in, and Lillian Fowler was crying at the board."

And he said, "I just can't stand that stuff."

And I then said, "Well, Mr. Glenn, do you know why they were crying?"

I said, "The idea is that there is no one running this Exchange. You are not taking care of it. You tell my wife she is running it, and you tell Mrs. Woodruff that she is running it, and I suppose you tell Lillian the same thing." I said, "No one can run any business under those conditions." And that wound up the conversation the second day.

Q. (By Mr. McTernan) He didn't make any answer to that statement? A. No.

Mr. McTernan: You may inquire.

(Testimony of John Ernest Dunn.)

Cross Examination

Q. (By Mr. Clark) What did you say your position was, Mr. [2100] Dunn?

A. Machinist Foreman.

Q. For the Standard Oil?

A. Well, it is a subsidiary of the Standard Oil Company.

Q. What is the name?

A. California Company.

Q. Where is your work? In Corcoran?

A. No, sir.

Q. Where?

A. On the pipe line extending from Bakersfield to Sterile Bay and from Taft to Kettleman.

Q. Do I understand that you do not live continuously in Corcoran?

A. My home is in Corcoran. I travel up and down the pipe line, and I come home whenever I have an opportunity.

Q. I see.

Now, you have talked your testimony over in this case, over with Mr. McTernan, haven't you?

A. I gave him an outline of what I was going to testify to.

Q. And when was the first time you did that?

A. (Pause.)

Q. If you remember?

A. Well, I don't remember. Approximately three weeks ago, I would say.

Q. All right. [2101]



(Testimony of John Ernest Dunn.)

And have you talked to him since then?

A. Last night.

Q. And last night you went over these conversations you have related to us today, is that true?

A. That is right.

Q. And who else was present when you did that?

A. My wife and my daughter, Margaret.

Q. I see.

Did they take part in the conversation?

A. Well, he was just reviewing the whole testimony as he came to it, and it was more or less of an intimate conversation with all of us.

Q. And by "he," you mean Mr. McTernan?

A. I mean Mr. McTernan.

Q. He told you about the other facts that have been testified to in the case, or some of them?

A. Not that I know of. I just went over my wife's testimony and mine. I do not know that Mr. McTernan told me about any other testimony.

Q. I see.

What was your purpose in—strike that.

Directing your attention to this first conversation which you tell us that you had with Mr. Glenn, can you fix the date for us again, approximately?

A. March 1st. [2102]

Q. March 1st?                      A. Yes.

Q. Of this year?                      A. Yes, 1939.

Q. All right.

Will you tell us whether Mr. Glenn sought you out or you sought him out?

(Testimony of John Ernest Dunn.)

A. I sought Mr. Glenn.

Q. You were about to say you hunted Mr. Glenn?

A. I did hunt him.

Q. I see.

What was your purpose of hunting Mr. Glenn up?

A. I got home in the evening and found my wife crying. She was practically in hysterics, and I tried to find out what was the matter and she wasn't feeling in any condition to tell me. She said Mr. Glenn had asked her to resign.

I said, "O. K. I am going to find Mr. Glenn and find out what it is all about."

Q. Is it a fair statement to say that you went to Mr. Glenn in an attempt to get your wife's job back?

A. I did not. I went there to get the particulars of the case.

Q. I see.

And then the following morning I believe that you told us there was mentioned in the conversation you had with Mr. Glenn [2103] the fact that some friends of yours had said that a petition had been circulated?

A. Yes.

Q. Do you remember that?

A. Yes.

Q. Now, to whom did you refer when you used the word "friends?"

A. Well, I got these from my wife, so if you want me to tell you what she said, O. K.

Q. I want to know the names of the people she referred to?

A. I got the names from her.

(Testimony of John Ernest Dunn.)

Q. Who told you that a petition was being circulated?

A. First, Mrs. Botts, Mrs. Harold Botts, I believe the name is, and Roy Filcher. That is all I can remember now.

Q. All right.

Are those the people whom you referred to as friends of yours and your wife's who had told you that a petition was being circulated?

A. Yes.

Q. That is right? A. That is right.

Q. As a matter of fact, has Mr. Filcher been a friend of your wife's and yours?

A. Only—no. He was only an acquaintance of mine and only came in contact with my wife in a business way with the Exchange. [2104]

Q. You were referring to him when you spoke of him as a friend? A. Yes.

Q. How about Mrs. Botts? Has she been a friend of your wife's?

A. I don't know. She is an acquaintance also. In these small towns, we call all acquaintances friends.

Mr. Clark: I see. That is all.

There is one further question, if I may ask it, Mr. Examiner.

Q. To your knowledge, Mr. Dunn, has your wife ever become a member of a labor organization?

A. I am positive she has not.

Q. All right.

And so far as you know, has she ever assisted any labor organization in any manner?

(Testimony of John Ernest Dunn.)

A. (Shaking head negatively.)

Mr. Mouritsen: Objected to as incompetent, irrelevant and immaterial.

Mr. Clark: May it please your Honor, if I may make a statement, that question goes directly to the jurisdiction of the Board in a matter such as this. In other words, the objection that I made at the opening of this hearing, so far as the Dunn charge was concerned, or is concerned, as your Honor will remember, was that there is no charge on file except [2105] through Mr. Prior and that there is nothing alleged in the complaint which is within the prohibition of the Act.

Now, if we take the provision of the Act——

Trial Examiner Lindsay: Are you going to argue the whole matter now, or just make your objection?

Mr. Clark: No, I am not going to argue anything except my objection—or rather, it is not my objection. It is the admissibility of the question. It is counsel's objection.

I am making the statement in support of the question.

Trial Examiner Lindsay: Yes. I understand.

Mr. Clark: May I have the question read back?

Trial Examiner Lindsay: Yes. Read the question.

(The question referred to was read by the reporter, as set forth above.)

Mr. Clark: I ask the question.

(Testimony of John Ernest Dunn.)

Trial Examiner Lindsay: Sustained.

Q. (By Mr. Clark) And so far as you know, Mr. Dunn, has your wife ever attempted to assist any labor organization in any manner?

A. No.

Q. Your answer is No? A. No.

Mr. Clark: That is all, from us.

I would like to recall Mrs. Dunn for the purpose of asking those two questions, if I may. [2106]

Trial Examiner Lindsay: Mrs. Dunn is here, is she?

You are excused.

(Witness excused.)

Trial Examiner Lindsay: All right. Let's have Mrs. Dunn.

Mr. Mouritsen: Now, this is—he is calling Mrs. Dunn as his own witness.

Mr. Clark: No, I am not. I am asking permission—let's not quibble about a thing like that—I am asking permission to ask three more questions of this witness on cross examination. That is all.

Trial Examiner Lindsay: I called her back at your request.

Mr. Clark: I want the record to show she is my witness.

Trial Examiner Lindsay: I said you called her back as your witness, is that correct or not?

Mr. Clark: May I have a clear understanding that this is further cross examination?

Trial Examiner Lindsay: You can call it anything you want to, Mr. Clark.

Mr. Clark: Very well. I ask to continue my cross examination.

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MRS. MARGARET A. DUNN,

recalled to the stand by and on behalf of the National Labor Relations Board, having been previously duly sworn, was further [2107] examined and testified as follows:

Cross Examination

(Continued)

Q. (By Mr. Clark) Mrs. Dunn, will you tell us whether or not you have ever become a member of any labor organization?

A. I have not. [2108]

Q. And particularly are you not a member of any labor organization with which Mr. Prior is connected, isn't that right?

A. Absolutely not.

Q. All right.

Now, have you ever in any manner assisted any such labor organization? A. I have——

Mr. Mouritsen (Interrupting): I object unless limited to the organization in question.

Mr. Clark: That is right.

Your answer?

The Witness: I have not.

Q. (By Mr. Clark) Or have you in any man-



(Testimony of Mrs. Margaret A. Dunn.)

ner attempted to assist any of the organizations that have been mentioned in this case?

A. I have not.

Mr. Clark: That is all.

Trial Examiner Lindsay: Any other questions?

Mr. Mouritsen: No further questions.

Mr. McTernan: No further questions.

(Witness excused.)

Mr. Mouritsen: May we have a moment, Mr. Examiner?

Trial Examiner Lindsay: Yes. [2109]

Mr. Mouritsen: Mr. Examiner, we have yet to call only one witness, Mr. Louis T. Robinson, with reference to the correspondence and the answer to the subpoena duces tecum, and I imagine that it will take only half or three-quarters of an hour for the Board to complete its case in this matter.

I think that perhaps we could save more time or could complete that more quickly if Mr. Robinson has this evening to assemble that correspondence and we can then produce it in the morning. I also want to summarize some of the information in Board's Exhibit 3 in order that it may be withdrawn; and I suggest at this time that perhaps it would be appropriate to adjourn.

Mr. Clark: In that connection, Mr. Examiner, then, may I ask that we adjourn until 2:00 o'clock tomorrow afternoon, because we will need a little

time to decide upon such witnesses as we intend to call in defense; and I think that by taking tomorrow morning off, we will probably save ourselves a lot of repetition in properly organizing our case.

Mr. Mouritsen: The Board has no objection.

Trial Examiner Lindsay: Will that be long enough, Mr. Clark, until 2:00 o'clock?

Mr. Clark: I would rather have all day tomorrow, and so long as it is only going to take a half or three-quarters of an hour for the examination of Mr. Robinson, it would, of course, be much better so far as we are concerned to have the [2110] matter go over until Friday morning at 9:30, and then have Mr. Robinson take the stand. We make our return to the subpoena, the Board rests, and we go right on with our case.

Trial Examiner Lindsay: Then there will be no further necessity of further delay?

Mr. Clark: Absolutely not.

Trial Examiner Lindsay: The request is granted, and we will adjourn until Friday morning at 10:00 o'clock.

(Whereupon, at 1:45 o'clock p. m., an adjournment was taken until Friday, June 9, 1939, at 10:00 o'clock a. m.) [2111]

American Legion Hall  
Corcoran, California  
Friday, June 9, 1939.  
10:00 o'clock a. m. [2112]

### PROCEEDINGS

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: Respondents are ready, Mr. Examiner.

Mr. Mouritsen: Ready for the Board, Mr. Examiner.

Mr. Robinson.

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### LOUIS T. ROBINSON,

recalled to the stand by and on behalf of the National Labor Relations Board, having been previously duly sworn, was further examined and testified as follows:

#### Direct Examination

Q. (By Mr. Mouritsen) Mr. Robinson, you were requested in a subpoena duces tecum directed to yourself to furnish certain correspondence relative to the matters here under investigation, and subsequently I furnished to your counsel a list, a more detailed list relative to correspondence that we desired.

Have you at this time produced the correspondence called for under the subpoena as specified and given in more detail in the list furnished your

(Testimony of Louis T. Robinson.)

counsel? A. Yes, I have.

Trial Examiner Lindsay: Off the record.

(Discussion outside the record.)

Trial Examiner Lindsay: On the record.

Q. (By Mr. Mouritsen) You are Mr. Louis T., or L. T. Robinson, is that correct?

A. Yes, sir. [2114]

Q. I believe you identified yourself as being in charge of all operations of the Boswell Company in the San Joaquin Valley, is that correct?

A. Yes, sir, that is correct.

Q. And does that carry any title or designation, that is, the type of work that you do, the functions that you perform for the Boswell Company?

A. General Manager for the San Joaquin Valley.

Q. Now, could we have that correspondence that you have produced, Mr. Robinson?

A. Mr. Clark has it.

Mr. Clark: Mr. Examiner, in making the return to the subpoena No. 12153, served upon J. G. Boswell Company and Louis T. Robinson, superintendent, Corcoran, California, some time subsequent to May 6th, 1939, that being the date of the Subpoena, I first would like to call attention to the calls 3, 4, 5 and 6 of that subpoena.

First let me state for the record that as to calls 1 and 2 of the subpoena, the Company, that is the Boswell Company, has, as I understand it, com-

(Testimony of Louis T. Robinson.)

pletely responded to those by furnishing the Social Security record of its employees in the Corcoran plant, and also by furnishing counsel for the Board certain work data concerning specified employees agreed upon between Mr. McTernan and Mr. Wingrove.

May I have a statement, gentlemen, that the first and [2115] second calls of the subpoena have been fully complied with?

Mr. Mouritsen: I will state that we have accepted the calls 1 and 2.

Mr. Clark: That is all I want.

Now, with respect to call 7—before I get to 4, 5 and 6—which last mentioned call is for books and records and documents showing any and all financial contributions of J. G. Boswell Company during 1938 and '39 to the date of this subpoena to the Associated Farmers of California, Inc., Associated Farmers of Kings County, Inc., or to any other County unit of the Associated Farmers, I will direct the Examiner's attention to a stipulation entered into between Mr. Wingrove and counsel for the Board in which those amounts are set forth, and also a letter which I furnished counsel for the Board stating the contribution of J. G. Boswell Company to the State organization, part of which was credited to the Kings County assessment for the year 1938.

Now, when Mr. Walsh was here, I further engaged with counsel for the Board to furnish the

(Testimony of Louis T. Robinson.)

exact figures concerning any further contributions by J. G. Boswell Company to the Associated Farmers of California or Kings County, that is, any contribution during the present year, and so in compliance of in fulfilment of that engagement, I would like to state that on or about March 21st of 1939 a check for \$240.42 was forwarded by J. G. Boswell Company to the Associated Farmers of [2116] California.

Trial Examiner Lindsay: What is the amount of that, please?

Mr. Clark: \$240.42, which check is mentioned in the stipulation to which I referred, but the additional data I want to call attention to is that of that check, the amount of \$91.29 was forwarded by Boswell for the account of the Tulare County unit of the Associated Farmers, being 11½ cents a bale on 6,086 bales of cotton ginned, and of that sum \$240.42, the sum of \$149.13 was forwarded by Boswell Company to the State organization for the account of the Associated Farmers of Kings County, Inc., being 11½ cents on 9,942 bales, those being the specific figures I promised Mr. Walsh we would obtain for him.

Now, in that connection, Mr. Robinson, I will direct your attention to what purports to be a copy of a letter addressed to the Associated Farmers of California under date of March 21st, 1939, and particularly I want to direct your attention to the figures 9,942 in that letter, opposite the words "Kings County."



(Testimony of Louis T. Robinson.)

Will you please tell me whether I am correct in stating that that indicates the number of bales of cotton ginned at the Corcoran plant during the ginning season of 1938-39?

The Witness: That is correct. [2117]

Mr. Clark: That is 9,942 bales?

The Witness: That is correct.

Mr. Clark: And the figure \$149.13 is the result of 1½ cents a bale which was forwarded to the State organization for the credit of the Kings County unit of the Associated Farmers?

The Witness: That is correct.

Mr. Clark: Have there been any further contributions besides this?

The Witness: None that I know of.

Mr. Clark: So I will ask counsel for the Board to accept the showing thus far made in the record, Mr. Examiner, as a compliance with call No. 7 of the subpoena.

Mr. Mouritsen: Yes, that is acceptable.

Mr. Clark: All right.

Now, with respect to calls 3, 4, 5 and 6, I may state, Mr. Examiner, that they are simply general requests for all correspondence et cetera received at the Corcoran plant during the years 1938 and 1939 relating to labor policy, labor relations and labor disputes of the Corcoran plant, the picketing of the Corcoran plant, and the boycott of the company's products with the American Federation of Labor and all similar correspondence on those sub-

(Testimony of Louis T. Robinson.)

jects sent out from the Corcoran plant; also all correspondence et cetera received at the Corcoran plant from the Associated Farmers of California or Associated Farmers of Kings County or any other of the units of the Associated Farmers for the years 1938 and [2118] 1939; and all correspondence et cetera sent out from the Corcoran plant with respect to those same subject matters.

And I would like it made part of the record if I can for the purpose of this showing Calls 4, 5—Calls 3, 4, 5, and 6 of subpoena No. 12153—may they be deemed read into the record?

Mr. Mouritsen: I have no objection. We can give them to the reporter and he can copy them into the record.

Mr. Clark: All right.

(The Calls referred to read as follows:

3. All correspondence, letters, telegrams and memoranda received at and for the Corcoran plant of J. G. Boswell Company during 1938 and 1939 to date of this subpoena, relating to labor policy, labor relations and labor disputes of the Corcoran plant, the picketing of the Corcoran plant and the boycott of the Company's products by the American Federation of Labor.

4. Copies of all correspondence, letters, telegrams and memoranda sent by and from the Corcoran plant of the J. G. Boswell Company during 1938 and 1939 to date of this subpoena, relating to

(Testimony of Louis T. Robinson.)

labor policy, labor relations and labor disputes of the Corcoran plant, the picketing of the Corcoran plant, and the boycott of the Company's products by the American Federation of Labor.

5. All correspondence, letters, telegrams and memoranda received at the Corcoran plant of J. G. Boswell Company from [2119] the Associated Farmers of California, Inc., the Associated Farmers of Kings County, Inc., or any other county unit of the Associated Farmers of California, Inc., during the year 1938 and 1939 to date of this subpoena.

6. Copies of all correspondence, letters, telegrams and memoranda sent by and from the Corcoran plant of J. G. Boswell Company to the Associated Farmers of California, Inc., Associated Farmers of Kings County, Inc., or to any other county unit of the Associated Farmers of California, Inc., during 1938 and 1939 to date of this subpoena.) [2119(a)]

Mr. Clark: Now, I will now offer into evidence with respect to this showing, Mr. Examiner, a copy of a memorandum furnished by Mr. Mouritsen during the hearing in which there appears some ten requests for correspondence on different subjects and which I will understand counsel will stipulate with me may be considered to have been included in the subpoena we are talking about instead of Calls 3, 4, 5, and 6, is that correct?

Mr. Mouritsen: Well, in further elucidation of Calls 3, 4, 5, and 6, instead of in place of.

(Testimony of Louis T. Robinson.)

Mr. Clark: All right. That is satisfactory.

But, in other words you and I are stipulating, Mr. Mouritsen, that the subpoena shall be treated just as though it had contained the ten specifications which appear in this memorandum I am now offering in evidence, is that correct?

Mr. Mouritsen: That is stipulated.

Mr. Clark: I will ask that that be marked in evidence as Respondent Boswell's next in order.

Mr. Mouritsen: No objection.

Trial Examiner Lindsay: Respondent Boswell's Exhibit 10 is received in evidence.

(Thereupon the document above referred to was received in evidence and marked Respondent Boswell's Exhibit No. 10.) [2120]

Mr. Clark: Responding, then, to the ten specific requests in the memorandum just received in evidence, I will make the following statement: As to Paragraph 1—first, let me state this: I want it understood that we are eliminating from this production or from the compliance with the requests, all correspondence between the Company and its attorneys, Messrs. Sidney Sharp and M. Wingrove respecting this matter, upon the ground that, of course, that is privileged, and so we are not producing that type of correspondence.

We are also eliminating, or rather we haven't considered and we are not producing, simply to save labor, all correspondence between the Company and/or its attorneys and the National Labor

(Testimony of Louis T. Robinson.)

Relations Board or any of its representatives, upon the theory that you people have the originals of all letters we have written, and you have the copies of all letters you have written us.

Mr. Mouritsen: That is right.

Mr. Clark: Those are the only exceptions, that is, the correspondence file between the Company and its attorneys and relating to legal advice, and such correspondence as has passed between the National Labor Relations Board or its agents, and the Company, or the Company's attorneys.

Trial Examiner Lindsay: Yes.

May I ask a question there to clarify the record?

Mr. Clark: Yes, sir. [2121]

Trial Examiner Lindsay: What do you mean by the statement "to save labor?"

Mr. Clark: Well, we could produce, Mr. Examiner, the entire file of correspondence between the National Labor Relations Board and its agents, and Boswell Company, and its attorneys, but instead of examining that correspondence as I went through it, wherever I found that, I simply went on to the next letter, you see?

Trial Examiner Lindsay: You meant by that you were saving labor for us and the Board?

Mr. Clark: That is right, because I am assuming the Board has access to all correspondence had with the Respondent.

Mr. Mouritsen: I will so stipulate.

Mr. Clark: All right.



(Testimony of Louis T. Robinson.)

Now, with those reservations, then, I will state for the record that as to call 1 of the memorandum just admitted in evidence, I find that no correspondence relative to the lay-offs of W. R. Johnston, Boyd Ely or Stephen Griffin—and I would like to ask Mr. Robinson that question, or have you ask him later.

Are you going to examine him later?

Mr. Mouritsen: I will accept counsel's statement.

Mr. Clark: Very well.

I will ask you, Mr. Robinson, whether or not you recollect or know of any correspondence between the Boswell Company or [2122] anyone on its behalf, relative to the lay-offs of W. R. Johnston, Boyd Ely or Stephen Griffin?

The Witness: I do not.

Mr. Clark: And you went through the correspondence with me yesterday, did you not?

The Witness: Yes, sir.

Mr. Clark: All right.

Now, answering call 2 of the memorandum, which is any and all correspondence as to the eviction of the Union members from the Corcoran plant on November 18th, 1938, I want the record to show that we at this time produce the original of a letter dated November 18th, 1938, addressed to J. G. Boswell Company, Los Angeles, California, attention Mr. J. G. Boswell, by J. G. Boswell Company, Louis T. Robinson.



(Testimony of Louis T. Robinson.)

Now, I have the copy. I have both the Los Angeles office file and the Corcoran file, so I will just keep the copy, Mr. Mouritsen. You don't want that?

Mr. Mouritsen: No, no; the original.

Mr. Clark: All right.

And also in response to Paragraph 2 of the memorandum just received in evidence, I will ask that the record show I now produce the original of an inter-office communication from Mr. J. G. Hammond to Mr. L. T. Robinson, bearing the signature J. G. Hammond and dated November 19th, 1938, both of those letters being relative to the matters of November 18th. [1213]

And beyond that, Mr. Examiner, we have nothing.

Do you want to examine those, or do you want me to go on?

Mr. Mouritsen: Continue.

Mr. Clark: All right.

With respect to Paragraph 3 of the memorandum just received in evidence, which is a request for any and all correspondence relative to the return to work of the employees laid off on November 15th and 17th, 1938, and the employees evicted from the plant on November 18th, 1938, I will state for the record that we have nothing except—if such construction can be given them—the following copies of letters sent to various employees by the J. G. Boswell Company, to which

(Testimony of Louis T. Robinson.)

are attached registered return receipts, that is, United States Mail return receipts; and I will state what these are and deliver them to counsel. [2124]

Mr. Mouritsen: Well, Mr. Clark, may I ask—do we not have a couple of extra ones of two of the originals?

Mr. Clark: You have a couple of two of the originals, but each is different, but if your interpretation of the third paragraph of the memorandum includes this type of correspondence, I want the record to show I am offering it to you.

There are 1, 2, 3, 4, 5, 6, 7 of these letters, and some of them are different than others. I think I will produce them and you can examine them. May I have them so I can identify them in the record?

(Thereupon the documents above referred to were passed to Mr. Clark.)

Mr. Clark: The letters just referred to, Mr. Examiner, are as follows: A letter dated November 28, 1938 from the J. G. Boswell Company to Mr. George Andrade, together with return receipts; a letter of the same date addressed to Mr. L. E. Ely by J. G. Boswell Company, together with a return receipt; a letter of the same date, to-wit: November 28, 1938, addressed to Mr. E. C. Powell, by J. G. Boswell Company, together with return receipt; a letter of the same date addressed to Mr. R. K. Martin by J. G. Boswell Company, together

(Testimony of Louis T. Robinson.)

with a return receipt; a letter dated December 6, 1938, addressed to Mr. H. M. Wingo by the J. G. Boswell Company, together with return receipt; a letter dated December 6, 1938, addressed to Mr. L. A. Spear by the J. G. Boswell Company, together with [2125] return receipt; and a letter which is dated December 6, 1938, addressed to Mr. O. L. Farr by J. G. Boswell Company, together with return receipt.

And may I ask you, Mr. Robinson, whether these are all letters of similar import, that is, written by the company to employees respecting the termination of employment which were written?

The Witness: Yes, they all are.

Mr. Clark: All right. And these documents I referred to as letters are the original copies of them, are they not?

The Witness: That is right.

Mr. Mouritsen: As to whether they are of similar import——

Mr. Clark (Interrupting): They are substantially—by that I mean they treat of the termination of those employments. The letters in substance I think are different in some respects.

Will you please tell us, Mr. Robinson, with respect to the second paragraph in response to which we have delivered your letter of November 18, 1938, to Colonel Boswell, and Mr. Gordon Hammond's interoffice communication on November 19th to you, whether or not these constitute all the let-

(Testimony of Louis T. Robinson.)

ters relative to the events of November 18, 1938, which were written.

The Witness: They do.

Mr. Clark: All right.

Mr. Mouritsen: The answer was "They do"? [2126]

Mr. Clark: "They do."

Now, answering paragraph 4 of the memorandum just received in evidence, which requests any and all correspondence relative to the formation of the J. G. Boswell Company Employees' Association of Corcoran and Tipton, had on or about November 18, 1938, and all correspondence relative to any dealings which the J. G. Boswell had subsequent to that time, I will produce on behalf of the Respondent Boswell two letters, both of which are originals, one dated November 29, 1938, addressed to J. G. Boswell Company by the J. G. Boswell Company Employees' Association, a copy of which I think has already been submitted to counsel, and another original letter dated April 15, 1939, addressed to J. G. Boswell Company by H. G. McKeever, Secretary, both of these being originals, and I think that that likewise has been submitted to counsel.

Now will you state, Mr. Robinson, whether or not except for the two letters which I have just produced and handed to the attorneys for the Board there was at any time any further correspondence with the Employees' Association or any of its members.

(Testimony of Louis T. Robinson.)

The Witness: There was no further correspondence.

Mr. Clark: With respect to paragraph 5 of the memorandum which calls for any and all correspondence relative to the National Labor Relations Board, and its investigation of the eviction of the employees on November 18, 1938, the lay-offs [2127] of November 15th and 17th, 1938, and the dispersal of the pickets on January 30, 1939, I will state for the record that there was no such correspondence, or that is, that I found no correspondence in the files which were submitted to me except correspondence between the attorneys for the company and the company, for which I have already claimed a privilege; and correspondence between the Board, that is, the National Labor Relations Board or its representatives or attorneys and the company, and by that I refer, Mr. Mouritsen, to those questionnaires which were sent out.

Now will you state, Mr. Robinson, whether that statement of mine is correct.

The Witness: That statement is correct, and I will further state that all of the correspondence of both offices were delivered to you.

Mr. Clark: I see. Well, let us have it this way, then: Will you tell us whether or not, except for such correspondence as may have passed between Mr. Sharp's office and the Boswell Company, or relating to legal advice, and such correspondence as passed between the National Labor Relations



(Testimony of Louis T. Robinson.)

Board or any of its representatives and the company, there was any correspondence, any other correspondence relative to the Board or its investigation or the purported lay-offs of these men or the dispersal of the pickets on January 30?

The Witness: There was no other correspondence. [2128]

Mr. Clark: All right.

Answering Paragraph 6 of the memorandum, which calls for any and all correspondence relative to the formation of Local 21798 and the membership had and exchanged during the month of November, 1938, I will state for the record that there was nothing of that nature except the letters already surrendered under the 2nd paragraph, that is, the letter of November 18th and November 19th.

Now, will you please tell us whether or not that is a correct statement, Mr. Robinson?

The Witness: That is correct.

Mr. Clark: All right.

Answering Paragraph 7, which calls for any and all correspondence relative to E. F. Prior of the American Federation of Labor, I would like the record to show that we at this time produce the original and original copy of a letter dated November 25th, 1938, written to J. G. Boswell Company, Corcoran, California, attention of Mr. L. T. Robinson and G. L. Hammond, by Fred G. Sherrill, Treasurer of the J. G. Boswell Company, with



(Testimony of Louis T. Robinson.)

which was apparently enclosed—because I found it next in order in the file—Mr. Prior's card which reads "California State Council Soap and Edible Oil Workers, E. F. Prior, Secretary and Treasurer," with his address, and I will produce those two documents at this time, and I am showing you the copy, Mr. Mouritsen, I presume which I may keep. [2129]

Mr. Mouritsen: What do you mean by "original copy?"

Mr. Clark: It is a carbon copy from Los Angeles. I have had both files, the Los Angeles and Corcoran. In other words, it is not a copy that was made of the letter later, but it is the original carbon.

Now, will you please tell us, Mr. Robinson, whether I am correct in stating that the letter of November 25, 1938, from Mr. Sherrill to the Corcoran plant of the Boswell Company to your attention and that of Mr. Gordon Hammond's, together with Mr. Prior's card, constitutes all correspondence relative to Mr. Prior—well, that is all—relative to Mr. Prior?

The Witness: That is correct.

Mr. Clark: Yes.

Answering Paragraph 8, which calls for any and all correspondence with the Associated Farmers of Kings County, Inc., relative to the dispersal of pickets at the plant on January 30th, 1939, I will ask you whether there was any such correspondence?

(Testimony of Louis T. Robinson.)

The Witness: There was not.

Mr. Clark: I will state for the record that I found none, Mr. Examiner.

Answering Paragraph 9, which requests any and all correspondence relative to the boycott of the Company's products instituted by the A. F. of L. on November 20th, 1938, I will ask you to state whether there was any such correspondence? [2130]

The Witness: There was not.

Mr. Clark: I will state for the record that I found none in the files, Mr. Examiner.

Answering Paragraph 10 of the memorandum, which calls for any and all correspondence relative to the picketing of the Company's Corcoran plant instituted by the A. F. of L. on or about January 23rd, 1939, I will ask you to state whether or not there was any such correspondence?

The Witness: There was not.

Mr. Clark: I will state for the record, Mr. Examiner, I found no such correspondence, and that both Mr. Robinson and Col. J. G. Boswell have advised me that every file in any way pertaining to this matter was submitted to me for inspection.

I will also state I have gone through those files completely, except for the correspondence between the Board and the Company, or any of the Board's agents and the Company, and between the attorneys for the Company and the Company, relating to legal advice—I read it all, but I didn't bother to read that.

(Testimony of Louis T. Robinson.)

That finishes our showing.

Mr. Mouritsen: I suppose you have no objection to offering them?

Mr. Clark: Let us mark them all for identification first, if you will.

Let the record show that Mr. Mouritsen is returning to me [2131] the seven letters to the employees dated November 28th and December 2nd, 1938.

Mr. Mouritsen, I have a further document here which you may be interested in, or rather, there are three of them, and which I didn't find responsive to any of the calls—that is, exactly responsive—and I will state it consists of the original draft of the notice which was posted on the Company plant some time immediately after November 18th, which original draft I think is in Mr. Larson's handwriting, and then there is the final draft of that notice approved by Mr. Larson of the National Labor Relations Board.

If you want that for any purpose, there it is.

(The documents referred to were passed to Mr. Mouritsen.)

Mr. Clark: If you want to question Mr. Robinson on it, or use it for any purpose, you may.

Mr. Mouritsen: I will consider it. I understand that that notice hasn't been properly identified or no foundation has been laid.

Mr. Clark: I am not making any statement for the record. I am just telling you that we have it, is all.

(Testimony of Louis T. Robinson.)

Mr. Mouritsen: May the letter produced by counsel in response to the subpoena, which is dated November 18th, 1938, and addressed to J. G. Boswell Company, Los Angeles, California, attention Mr. J. G. Boswell, and which is signed in the name of the J. G. Boswell Company by Louis T. Robinson, be marked [2132] Board's Exhibit next in order?

Mr. Clark: Is it being offered?

Trial Examiner Lindsay: Just being marked.

(Thereupon, the document above referred to was marked as Board's Exhibit No. 24 for identification.) [2133]

Mr. Mouritsen: At this time, Mr. Examiner, may the document produced by counsel in response to the subpoena dated December 19, 1938, and purports to be a memoranda to Mr. L. T. Robinson from Mr. G. L. Hammond, which appears to be signed by G. L. Hammond, be marked Board's 25 for identification?

(Thereupon the document above referred to was received and marked as Board's Exhibit No. 25 for identification.)

Mr. Mouritsen: May the letter dated November 25, 1938, addressed to J. G. Boswell Company, Corcoran, California, and signed by Fred G. Sherrill, and to which is attached a card of Mr. E. F. Prior, be marked Board's 26 for identification, as one exhibit, the card and the letter?

(Testimony of Louis T. Robinson.)

(Thereupon the documents above referred to were received and marked as Board's Exhibit No. 26 for identification.)

Mr. Mouritsen: May the letter produced by counsel in response to the subpoena, dated November 29, 1938, addressed to J. G. Boswell Company, 354 South Spring Street, Los Angeles, California, and signed by J. G. Boswell Company Employees' Association, by J. W. Hubbard, president, and E. M. Roberson, secretary, be marked Board's 27 for identification?

(Thereupon the document above referred to was received and marked as Board's Exhibit No. 27 for identification.)

Mr. Mouritsen: May the letter that is dated April 15, 1939, produced by counsel in response to the subpoena, ad- [2134] dressed to J. G. Boswell Company, Los Angeles, California, and signed by H. G. McKeever, Secretary, be marked Board's Exhibit 28 for identification?

(Thereupon the document above referred to was received and marked as Board's Exhibit No. 28 for identification.)

Q. (By Mr. Mouritsen) Now, Mr. Robinson, I will show you a document which has been marked Board's 24 for identification, which consists of two pages which have been stapled together, and I will ask you if that is your signature that appears on the second page thereof.

Mr. Clark: Mr. Examiner, we will waive the

(Testimony of Louis T. Robinson.)

necessity to authenticate any of these. We will concede the authentication and they may just be offered so far as we are concerned, except for certain general objections I will make to their competency.

Mr. Mouritsen: I think perhaps——

Mr. Clark (Interrupting): You go right ahead, then.

Mr. Mouritsen: We will identify them. I will attempt to lay a complete foundation.

The Witness: That is my signature.

Q. (By Mr. Mouritsen) On Board's 25 for identification is a memorandum from Mr. Hammond to yourself, is that correct?

A. That is correct.

Q. You are acquainted with Mr. Hammond's signature? A. Yes, sir. [2135]

Q. Is that his signature that appears on the memorandum? Is that correct? A. Yes, sir.

Q. And Board's 26 for identification is a letter consisting of two pages addressed to the company here in Corcoran and directed to the attention of yourself and Mr. G. L. Hammond, is that correct?

A. That is correct.

Q. And on the second page appears what purports to be the signature of Mr. Fred G. Sherrill, treasurer of the company. I will ask you if you are acquainted with his signature. A. Yes, sir.

Q. And is that his signature?

A. Yes, that is his signature.

Q. Board's 27 for identification appears to be



(Testimony of Louis T. Robinson.)

a letter directed to the company at Los Angeles signed by Mr. Hubbard and Mr. Roberson. I will ask you if you received a copy of that letter.

A. I received the signed copy of it.

Q. Then you obtained the original that has been marked Board's 27 from the company files in Los Angeles, is that correct?

A. Yes, sir, that is correct.

Mr. Clark: Mr. Mouritsen, I have those signed copies if you want them. [2136]

Mr. Mouritsen: I prefer the originals.

Q. And the document that has been marked Board's 28 for identification appears to be a letter addressed to the company in Los Angeles and signed by Mr. McKeever, and I will ask you if you are acquainted with the signature of Mr. H. G. McKeever.

A. I am.

Q. Is that his signature?

A. Yes, that is his signature.

Q. Did you receive a copy of that letter, that is, Board's 28 for identification?

A. Yes. I received a signed copy.

Q. And you obtained the original, which is Board's 28 for identification, from the Los Angeles office, is that correct?

A. Yes.

Mr. Mouritsen: Very well.

At this time, Mr. Examiner, I will offer Board's Exhibits 24 for identification, Board's 25 for identification——

Mr. Clark: Let us take them singly as I have different objections.

(Testimony of Louis T. Robinson.)

Mr. Mouritsen: All right.

At this time, Mr. Examiner, I will offer Board's 24 for identification in evidence.

Trial Examiner Lindsay: May I see it?

(The document referred to was passed to

Trial Examiner [2137] Lindsay.)

Mr. Clark: May I make my objection after your Honor has read it?

Trial Examiner Lindsay: You may make it now while I read it.

Mr. Clark: Very well.

To which we object on behalf of the J. G. Boswell Company upon the general ground that there has been no showing in this case thus far, Mr. Examiner, which establishes any violation of the Act by the company on the part of anyone to bind the company; and on the part of the respondents Associated Farmers of Kings County, and the Corcoran Telephone Exchange, we object to the introduction of the letter in evidence upon the ground it is hearsay and incompetent, irrelevant and immaterial and in no way binding upon any of these respondents, no authority having been shown in Mr. Robinson to speak for any of them with regard to any of the matters under investigation in this proceeding.

Trial Examiner Lindsay: Board's 24 is received in evidence. You may have an exception.

(Thereupon the document above referred to was received in evidence and marked as Board's Exhibit No. 24.)

(Testimony of Louis T. Robinson.)

BOARD'S EXHIBIT No. 24

Home Office

Los Angeles, California

J. G. BOSWELL COMPANY

Cotton Merchants and Manufacturers

of Cottonseed Products

Corcoran, California

November 18, 1938.

J. G. Boswell Company

Los Angeles, California

Attention: Mr. J. G. Boswell

Gentlemen:

The following is a chronological account of the labor trouble at our plant this morning:

For some time a Mr. Pryor representing himself as an organizer for the Vegetable Oil Workers' Union of Long Beach has been endeavoring to organize a local chapter of this union in our plant. He and his followers were never able to get enough members to form the union and after working several months they began to "put the heat on" our employees in an effort to force in more members. This was done by offering to accept membership without charge and by threatening to "roll" the employees for their jobs if they did not join the union. The threat was made that soon the ginning season would be over and the non-union men fired and the union men retained in the jobs.

This morning at ten o'clock on their own volition,

(Testimony of Louis T. Robinson.)

the employees, both union and non-union, agreed to have a meeting to discuss the matter. The three tentative officers of the local proposed chapter were at the meeting. According to the best information I could get, the meeting practically amounted to nothing but that the non-union men decided that the three tentative officers were making unnecessary disturbance and endangering their jobs. They therefore took the three union men and bodily threw them off the property. The employees then came to see me in a body and demanded that I fire the union men. They were pretty well worked up and I endeavored to calm them down and persuaded them to go back to work, both Union and non-union. They did go back to work but the non-union men evidently kept a little pressure on the union men and in a few minutes the union men left their jobs.

The non-union men then appointed a committee and the committee went to the District Attorney for instructions as to the best method of procedure for them to follow. It is my understanding the District Attorney advised them that up to date they were in the clear and suggested that they think the matter over carefully and determine on the best possible method of handling the matter and that in the meantime, he would give the problem thought and continue to advise them. About noon one of the tentative union officers called me on the telephone and told me he wanted to do the right thing and asked for suggestions as to what he should do. I replied that the Company also wanted to do the

(Testimony of Louis T. Robinson.)

right thing and that I would have to give the matter some thought. While I was at lunch, this party called for me again and advised the switchboard operator that he would call again later in the afternoon. Up to this time he has not called.

The non-union men have now called a meeting for tonight. Their thoughts seem to be running to the formation of a Company union as a protective union in preventing them from being forced into the A.F.L. or the C.I.O. The Caminol Company and the Lucerne Creamery of Hanford have both had the same trouble and this is the method they use in handling same. This is also true of the San Joaquin Light & Power Corporation. I have suggested to some of the cooler heads that at the meeting tonight they appoint a committee to talk with the union men that were run off the job this morning and offer to allow them to come back to work on some basis as might be agreed on at the meeting of the employees tonight. That they take no action in forming a Company union but appoint a committee to investigate such a proposal and make recommendations back to a later meeting.

I think it will be helpful if you will obtain any information you can regarding Company unions and give me the benefit of your ideas in this connection. I will keep you posted as to developments.

Yours very truly,

J. G. BOSWELL COMPANY  
LOUIS T. ROBINSON

[Endorsed]: Filed 6/9/39.

(Testimony of Louis T. Robinson.)

Mr. Mouritsen: At this time, Mr. Examiner, I will offer as Board's Exhibit 25 the document that has heretofore been marked Board's 25 for identification. [2138]

(The document referred to was passed to Trial Examiner Lindsay.)

Mr. Clark: To which we make the same objections, your Honor, on behalf of the respective respondents.

Trial Examiner Lindsay: Board's Exhibit 25 is received in evidence. You may have an exception.

(Thereupon the document above referred to was received in evidence and marked as Board's Exhibit No. 25.)

### BOARD'S EXHIBIT No. 25

November 19, 1938.

Memo to: Mr. L. T. Robinson

From: Mr. G. L. Hammond

I have made quite a lot of inquiries into the trouble the employees had yesterday while I was away. There seems to have been a misunderstanding between some of the employees as to who would supervise the work and working hours at the plant, myself or the employees that had affiliated themselves with the A. F. L. Union.

It is my understanding that they had decided to get together at 10 o'clock when L. A. Spear came to work and see what it was all about, as he was Presi-



(Testimony of Louis T. Robinson.)

dent of the local Union. In trying to determine why and what the cause of the trouble was and of the rushing of L. A. Spear out of the gate and into the office, my understanding is that O. L. Farr, R. K. Martin and some of the others that possibly had joined the Union were passing the word along that they were giving them their last chance to get in the Union or they would lose their jobs, but were passing the buck to L. A. Spear and he wasn't there yet. That seems to be the reason of their closing down the gin after 10 o'clock.

I find that Lonnie Spear did get on the bale wagon and tell them that they were going to prorate the work and work eight hours only, and if they wanted to work here they would have to join their Union.

Then W. C. Nichols got up some place where he could ask Spear outright if he understood him to say that they were taking charge of all the work and Spear answered yes. Then Nichols asked Spear if he meant that for the boys to work here they would have to join the Union, and Lonnie answered that he meant that very thing.

Then someone in the crowd said "Let's throw him out", and they proceeded to rush him out of the gate and into the office.

I am sure this would never have happened if I had been here, because everything was ok when I left about 8:30. I am very positive nothing like that would ever have happened anyway if Lonnie hadn't told them they were going to prorate the

(Testimony of Louis T. Robinson.)

work and working hours and that they would have to join the Union to work here.

I think they should have continued to operate and let me handle the problem when they knew that I would be back that evening.

G. L. HAMMOND

[Endorsed]: Filed 6/9/39.

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Mr. Mouritsen: At this time, Mr. Examiner, I will offer in evidence the document that has heretofore been marked Board's Exhibit 26 for identification, and I will request that the reporter be instructed to staple the card that is a part of that exhibit to the letter in order that it may not become detached therefrom.

Mr. Clark: To which we make the same objection as to the respective respondents.

(The document referred to was passed to Trial Examiner Lindsay.)

Trial Examiner Lindsay: Board's Exhibit 26 is received in evidence and the reporter is instructed to attach the card by stapling it to the exhibit itself. You may have an exception.

(Thereupon the document above referred to was received in evidence and marked Board's Exhibit No. 26.)

(Testimony of Louis T. Robinson.)

BOARD'S EXHIBIT No. 26

[Card Attached to Exhibit]:

California State Council of  
Soap and Edible Oil Workers

Affiliated With American

Federation of Labor

E. F. Prior

Secy-Treas.

309 Broad Ave.

Wilmington 1455

Wilmington, Cal.

J. G. BOSWELL COMPANY

Cotton Merchants and Manufacturers

of Cottonseed Products

354 South Spring Street

Los Angeles, California

November 25, 1938.

J. G. Boswell Company

Corcoran

California

Attention of Mr. L. T. Robinson

Mr. G. L. Hammond

Gentlemen:

Labor Matters

Mr. Prior, Secretary and Treasurer of the California State Council of Soap and Edible Oil Workers, called on Colonel Boswell this afternoon.

Colonel Boswell told Prior that the notice to employees, now posted on the bulletin board at Corcoran, covered his position and that of the company. He also told Prior that those employees who

(Testimony of Louis T. Robinson.)

had been put off the property, as outlined in your letter of November 18, would (provided there was work for them) be paid during the period of their absence in accordance with the policy of the company under the National Labor Relations Act, as outlined in the notice.

Colonel Boswell also told Prior that the responsible individuals in the management of the Corcoran plant were Mr. L. T. Robinson and Mr. Gordon L. Hammond, and that while in the conduct of the business and the running of the plant certain authority might be delegated as between these two individuals and others on the company's payroll, that he, Colonel Boswell, was not acquainted with the detail in this respect.

Prior stated that he had a better understanding of the company's business following his talk with Colonel Boswell, at which point he was told that the published notice constituted all there was to the company's position, and anything which Prior may have inferred from the conversation which went beyond this notice was not in keeping with the position of the company, that we felt the notice was clearly in keeping with the National Labor Relations Act, and it was the intention of the company to conduct its affairs strictly in accordance with the law.

Yours very truly,

FRED G. SHERRILL,

Treasurer

[Endorsed]: Filed 6/9/39.

(Testimony of Louis T. Robinson.)

Mr. Mouritsen: At this time I will offer Board's Exhibit [2139] 27, the document heretofore marked Board's Exhibit 27 for identification.

(The document referred to was passed to Trial Examiner Lindsay.)

Mr. Clark: To which we object on behalf of all respondents that the letter is hearsay and is incompetent, irrelevant and immaterial and not binding upon any of them.

Trial Examiner Lindsay: Board's Exhibit 27 is received in evidence. You may have an exception.

(Thereupon the document above referred to was received in evidence and marked Board's Exhibit No. 27.)

#### BOARD'S EXHIBIT No. 27

Corcoran, California

November 29, 1938

J. G. Boswell Company  
354 South Spring Street  
Los Angeles, California

Gentlemen:

Please take notice that at 7:00 P. M. November 28, 1938, at the American Legion Hall in Corcoran, California, seventy eight employees of the J. G. Boswell Company at Corcoran organized themselves into an employees' association under the National Labor Relations Act and unanimously adopted a

(Testimony of Louis T. Robinson.)

constitution and by-laws by which they are to be governed. This constitutes about 95% of the Corcoran employees.

The following officers were elected and constitute the governing board of the association:

President—J. W. Hubbard

Vice President—O. W. Busby

Secretary—E. M. Roberson

Treasurer—S. F. Brenes

Labor Relations Board

R. B. Lloyd

W. F. Willoughby

H. G. McKeever

Very truly yours

J. G. BOSWELL CO.

EMPLOYEES' ASS'N.

J. W. HUBBARD

President

E. M. ROBERSON

Secretary

Copy to J. G. Boswell Company, Corcoran, California.

[Endorsed]: Filed 6/9/39.

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Mr. Mouritsen: At this time, Mr. Examiner, I offer as Board's Exhibit 28 the document heretofore marked as Board's Exhibit 28 for identification.

(The document referred to was passed to Trial Examiner Lindsay.)



(Testimony of Louis T. Robinson.)

Mr. Clark: To which we make the same objection on behalf of all respondents.

Trial Examiner Lindsay: Board's Exhibit 28 is received in evidence. You may have an exception.

(Thereupon the document above referred to was received in evidence and marked Board's Exhibit No. 28.) [2140]

BOARD'S EXHIBIT No. 28

April 15, 1939

J. G. Boswell Company  
Los Angeles, California

Gentlemen:

At the annual meeting of the J. G. Boswell Company Employees Association on April 5, 1939, the question was raised from the floor regarding the unemployment of association members, and a motion was made requesting the Governing Board of the Association to notify Company officials at both Corcoran and Tipton that the Association is keeping a list of unemployed members with their qualifications and requesting the management to get in touch with the Association when new men are needed.

At a meeting of the Governing Board of the Association on April 13, 1939, the secretary was directed to perform this duty which is accomplished herewith. I do, however, wish to emphasize the fact that this is merely a request. We are not agitating for a closed shop, but we do want to do everything

(Testimony of Louis T. Robinson.)

that is reasonable and just to keep our members employed.

Very truly yours,

H. G. McKEEVER,

Secretary

CC to Mr. L. T. Robinson, Corcoran

CC to Mr. Leon Jones, Tipton

[Pencil notation]: Read by Mr. Boswell.

[Endorsed]: Filed 6/9/39.

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Q. (By Mr. Mouritsen) Now, directing your attention, Mr. Robinson, to the date of November 18th, 1938, which has been identified as the day upon which certain Union employees left the Company plant, I will ask you if you did not know that a meeting of the employees was to be held at the Company plant on that evening?

Mr. Clark: Well, I object to that on the ground—as to the time, what time of day?

Trial Examiner Lindsay: You may specify the time.

Q. (By Mr. Mouritsen) Well, at any time during the day, did you know that a meeting of the employees was to be held at the plant that evening?

Mr. Clark: I object to that upon the ground it is incompetent, irrelevant and immaterial because I assume, Mr. Examiner, if—I won't elaborate on that. I would like the time identified. I think it is quite important as to whether or not it was before or after the disturbance.

(Testimony of Louis T. Robinson.)

Mr. Mouritsen: That is what I am trying to find out. I am asking him at any time.

Trial Examiner Lindsay: He may answer. Proceed.

Mr. Clark: Very well.

The Witness: I had heard a report that there was to be a meeting.

Q. (By Mr. Mouritsen) And can you fix the time of the day at which you first heard such a report? [2141]

A. My best recollection is during the afternoon of that day.

Q. And you were at the plant, were you not, during the entire day of November 18th, 1938?

A. I was there during the entire working day. I went to lunch before.

Q. And can you fix the time during the working day when you first heard such a report that there was to be a meeting at the plant that evening?

A. I think during the afternoon is the best I can do.

Q. Do you recall from whom you heard that report?

A. No, I don't. I talked to quite a few people during the day, and some of them I heard the report from, but I couldn't say exactly who.

Q. And were you at the plant during the evening when this meeting was held—when this meeting of the employees was held at the plant?

A. I was not.

(Testimony of Louis T. Robinson.)

Mr. Mouritsen: You may inquire.

Mr. Clark: May I have a short recess, Mr. Examiner? It is almost 11:00 o'clock.

Trial Examiner Lindsay: Yes, a ten minute recess.

(At this point a short recess was taken, after which proceedings were resumed as follows:)

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: The Respondents are ready, Mr. Examiner. [2142]

Mr. Mouritsen: Ready for the Board, Mr. Examiner.

Mr. Clark: Mr. Robinson, please.

May I have Board's Exhibit No. 24, Mr. Mouritsen?

Mr. Mouritsen: I think the reporter has it.

(The document referred to was passed to Mr. Clark.)

#### Cross Examination

Q. (By Mr. Clark) Mr. Robinson, I hand you Board's Exhibit 24, which is a letter dated November 18th, 1938, written by you to the Los Angeles office of the J. G. Boswell Company, attention Mr. J. G. Boswell, and I want to direct your attention particularly to paragraph—the opening sentence of paragraph 4 on the first page of that letter, in which you say that the non-Union men then appointed a committee and the committee went to the District

(Testimony of Louis T. Robinson.)

Attorney for instructions as to the best method of procedure for them to follow.

Now, will you please tell us whether or not you had any notice whatsoever that the men were about to appoint a committee or had appointed a committee prior to the time it was in fact appointed?

A. I had some information that might be construed as a notice, yes, sir.

Q. And will you please tell us what that was?

A. Two or three of the men came in to me and asked my advice.

Q. And when was this?

A. This was the morning of the 18th, after the incident out [2143] in the plant.

Q. After the incident at the plant?

A. Yes, sir.

Q. And was this after the so-called non-Union men had left the plant?

A. Yes, sir.

Q. I mean the so-called Union men had left the plant?

A. Yes, so-called Union men.

Q. Do you remember who these men were that came to you?

A. I think there were three of them, and the best of my recollection is that Rube Lloyd and Clyde Sitton were two of them, but I can't place the third; and there might not have been a third.

Q. All right.

Prior to that time, Mr. Robinson, had you had any notice or inkling whatsoever of the fact that there was to be any disturbance at the plant that morning?

(Testimony of Louis T. Robinson.)

A. Prior to that time—I had known that this disturbance had occurred. That was after the disturbance.

Q. Let us limit my question this way: Prior to that time a disturbance did in fact occur at the plant which you have heard testified to here by various witnesses, did you have any inkling whatsoever that there was to be a disturbance that morning?

A. None whatever. [2144]

Q. What was the first, Mr. Robinson, what was the first knowledge that you had that a disturbance had occurred?

A. The first knowledge I had, I was in Mr. Elbert Armour's office, and a large number of men crowded into the office and overcrowded into the hall.

Q. Where is Mr. Armour's office?

A. Mr. Armour's adjoins mine on the East and is next to the hallway—West of the hallway on the North side of the office building.

Q. And that is the same office building that you have heard described here in the various testimonies of various witnesses as the administration building, and sometimes the office building?

A. Yes, sir.

Q. And by the way, what is Mr. Armour's position in the Company?

A. Mr. Armour is assistant to me.

Q. That is, he is assistant to the General Manager?

A. That is right.



(Testimony of Louis T. Robinson.)

Q. Am I correct, then, in stating that prior to the time these men crowded into Mr. Armour's office that morning, that you had had no notice whatsoever that there had been a disturbance or there was to be one? A. That is correct.

Q. Prior to that time, had you had any knowledge whatsoever [2145] or any notice whatsoever that any committee had been appointed by the non-Union men? A. None at all.

Q. All right.

Now, you told us that sometime after this incident of the morning of November 18th, a committee, or, that is, three men called on you. Is that true?

A. That is true. I think three, perhaps two.

Q. All right.

At any rate, someone did.

And that they asked your advice?

A. That is correct.

Q. Will you please state what advice they asked from you, and what advice you gave them, if any?

A. Well, they asked me to advise them as to what I thought they should do in connection with the disturbance that had taken place. I told them that I was not in a position to advise them, and that they would just have to seek other advice.

Q. I see.

Now, is that the first that you knew, or the first basis of information that you had that there was a committee that had been appointed by the non-Union men?

(Testimony of Louis T. Robinson.)

A. They didn't represent themselves as a committee at that time to me.

Q. I see. [2146]

Is that what you referred to a little while ago on your cross examination in stating that you had some knowledge that there might be a committee?

A. The knowledge of a committee I had was later on in the day.

Q. All right.

Will you please tell us what happened then?

A. I told these parties that I couldn't advise them——

Mr. Mouritsen (Interrupting): May we have a foundation for this?

Mr. Clark: Yes. And before we get to that, Mr. Robinson, so long as we are on these events, let us cover them so I won't have to repeat them.

Q. When all—when this crowd of men came into Mr. Armour's office where you were, on the morning of November 18th, what, if anything, did you say to them? What, if anything, did they say, first?

A. There were a lot of them talking at the same time, and it was difficult for me to get the import of the whole situation, and when I finally got down to just what was the trouble and what they were saying, they were demanding that I fire the non-Union men.

Q. All right.

Prior to that——

A. (Interrupting) I am wrong in that—that I fire the [2147] Union men.

(Testimony of Louis T. Robinson.)

Q. I see.

Mr. Robinson, prior to that time had you been working with Mr. Armour in the office on some Company matter?

A. Mr. K. S. Batil was in the office, and I had just walked into Mr. Armour's office and was still standing up, when they came.

Q. And were you discussing some Company matter which had nothing at all to do with the employment situation?

A. Yes, I was discussing a matter connected with Mr. Batil's business.

Q. As I understand it, this swarm of men came into the office, is that correct?

A. That is correct.

Q. And you found out, or made out from them that they were demanding that you fire the Union men?

A. That is correct.

Q. What, if anything, did you say to the men?

A. I told the men that they were too excited, and I wanted them to go back to work, both Union and non-Union, and after they cooled down I would come around and talk to them and see if we couldn't straighten the matter out.

Q. All right.

What, if anything, next occurred then, Mr. Robinson, so far as this particular subject matter is concerned? [2148]

A. They left the office.

Q. All right.

(Testimony of Louis T. Robinson.)

And did you then later receive a telephone call from anyone?

A. I later received a telephone call from Mr. R. K. Martin.

Q. And about what time was that?

A. It was before noon, and I would say probably between 11:00 to 11:30. [2149]

Q. What, if anything, did Mr. Martin say?

A. Mr. Martin called me up and he said the union men had decided it was best for them to go home and that they wanted to do the right thing, and what did I think that they should do.

Q. And what reply did you make to that?

A. I told Mr. Martin the company also wanted to do the right thing, but I would just have to have time to think the matter over.

Q. All right.

Now, was it after that that these employees came to you?

A. To the best of my recollection, it was after that.

Q. All right.

Now, a while ago you said that later in the afternoon some employees called on you in the form of or as a committee. Do you remember that?

A. Yes, sir.

Q. All right.

Will you please tell us about when that was during the afternoon of November 18th?

A. Well, my best recollection is that was fairly

(Testimony of Louis T. Robinson.)

early after lunch. I would place it around 2:00 o'clock, perhaps.

Q. I see. Who was present there?

A. (Pause)

Q. Where was this conversation held, rather?

A. This conversation was in my office. [2150]

Q. In the office building? A. Yes, sir.

Q. All right.

Who was present, please?

A. To my best recollection, Rube Lloyd, Clyde Sitton, and Arthur Busbee, and myself. No one else.

Q. All right.

What, if anything, did they say to you then?

A. They told me that a committee had gone to see the District Attorney and the District Attorney had told them that he didn't think anything had happened that would be cause for action by his office. They told me further that they discussed the matter generally with the District Attorney and they asked him about forming an Employees' Association, that the District Attorney told them that such associations had been formed by the Caminol Company and the Lucerne Creamery and recommended that they investigate it at those places.

Q. Will you please tell us whether it was in that conversation that you found out that the non-union men had appointed a committee and that the committee had gone to the District Attorney for instructions as to the best method of procedure for them to follow? A. Yes, sir.

(Testimony of Louis T. Robinson.)

Q. All right.

And am I correct in stating that in this letter you were [2151] reporting that fact to Colonel Boswell in Los Angeles?      A. That is correct.

Q. And you had had no knowledge whatsoever on that subject matter prior to this committee waiting on you?      A. That is correct.

Q. Now, turning over to the second page of the letter of November 18th, I want to direct your attention to this language in the second paragraph: "The Caminol Company and the Lucerne Creamery of Hanford have both had the same trouble and this is the method they have used in handling the same. This is also true of the San Joaquin Light and Power Corporation."

Will you please tell us from whom you first heard the facts which are set forth in that statement?

A. From this committee.

Q. I see.

And did these men say that they had been informed by the District Attorney that these various companies had—or that the employees of these various companies had formed unions?

A. Yes, sir.

Q. All right.

Now, what was your purpose in calling that to Colonel Boswell's attention?

A. Well, I thought that perhaps that the employees in the plant might form one of those associations and that we might be called on to recog-



(Testimony of Louis T. Robinson.)

nize it, and I thought he should be giving [2152] the matter some thought.

Q. Am I correct in stating that you were reporting to the head office information which you had obtained from this committee?

A. That is correct.

Q. Now, I also direct your attention to the last paragraph in the letter reading as follows: "I think it will be helpful if you will obtain any information you can regarding company unions and give me the benefit of your ideas in this connection. I will keep you posted as to developments."

Will you please tell us what your purpose was in asking Colonel Boswell to give you—to obtain any information he could regarding such unions?

Mr. Mouritsen: Objected to as calling for a self-serving declaration.

Mr. Clark: It is cross examination on this letter. I am asking his purpose of it.

Mr. Mouritsen: The document speaks for itself, after all.

Mr. Clark: Well——

Trial Examiner Lindsay (Interrupting): He may answer.

The Witness: I didn't know anything about the union, and I didn't know what I might be called on for a decision on if they formed an employees' union; and I wanted to have the benefit of any information Mr. Boswell could obtain. I didn't

(Testimony of Louis T. Robinson.)

know but what he might be called on to make decisions or perhaps to recognize an employees' union and I thought he should post himself in that respect. [2153]

Q. (By Mr. Clark) Mr. Robinson, did you have anything whatsoever to do, or to your knowledge, did any other representative of the Boswell Company have anything to do with the organization of this Employees' Association?

Mr. Mouritsen: Objected to as calling for a self-serving declaration.

Mr. Clark: I submit that.

- Trial Examiner Lindsay: He may answer.

The Witness: Nothing whatsoever.

Mr. Clark: That is all.

#### Redirect Examination

Q. (By Mr. Mouritsen) Now, Mr. Robinson, did you state that during the day of November 18th, 1938, you received a phone call from R. K. Martin?

A. Yes, sir, I believe I did, but that was wrong. O. L. Farr made the phone call.

Q. You now want to change your testimony in that regard?

A. I want to change that to O. L. Farr.

Q. And you are acquainted with Mr. Martin, and have been for some time, is that correct?

A. That is correct.

Q. You are also acquainted with Mr. O. L. Farr, and have been for some time, isn't that correct?

(Testimony of Louis T. Robinson.)

A. That is correct.

Q. Now, directing your attention again to the time when these [2154] men crowded into your office, I believe you stated that certain of these men were demanding that the Union men be fired, is that correct?

A. That is correct.

Q. Will you tell us the names of those employees who demanded that the Union men be fired?

A. I will just tell you to the best of my recollection.

Q. That is all I am asking for.

A. The circumstances were rather unusual, and it is hard to remember. I believe Earl Liggett was talking and Phil Nichols and Rube Lloyd. I can't recall any others.

Q. And do you recall what these gentlemen or any of them said regarding the incident that had taken place just before that time?

A. I don't just know what conversation would exactly answer that, but they said that we are not going to run this plant both Union and non-Union, and there is a big majority of the non-Union men, and we want the Union men discharged.

Q. Now, was anything else said about that incident?

A. I don't recall anything else.

Q. That is the only thing that you recall about the whole incident that had taken place, the only conversation, is that correct?

(Testimony of Louis T. Robinson.)

A. The only conversation at that time. You are asking me now while the men were in the office. That is the conversation [2155] I am giving you.

Q. Yes.

You have given us your best recollection as to all of the conversation that took place in the office at that time, is that correct?

A. Adding to that what I said, yes, sir.

Q. And what you said was that they should go back to work until you had an opportunity to straighten it out, is that correct?

A. Well, if you want me to state it, that is not exactly correct. That is approximately.

Q. Would you state just what you said at that time?

A. I told them, I said, "You are all too excited and you have got to cool down. I want you to go back to work, both Union and non-Union, and after a while I will come around and see if I can't straighten this up."

Q. Now, do you recall anything else that you said?

A. I don't recall anything else, because they immediately left.

Q. Those men went right out of the office as soon as you told them to go back to work?

A. Well, I was pleased as to how quickly they did go out.

Q. In other words, they went out even more quickly than usual, is that correct?

(Testimony of Louis T. Robinson.)

A. I was well pleased. [2156]

Q. Now, you have given us, then, Mr. Robinson, the entire conversation that you recall as taking place at that time? A. Yes, sir.

Q. Both as to what was said by any of the men present, and what was said by yourself, is that correct? A. That is correct.

Q. And to the best of your recollection, nothing was said about what had happened, what had taken place out in the yard, is that correct?

A. That is correct.

Q. At that time that was the only understanding you had of incident, is that correct?

A. At that time, that is correct.

Q. And all you did was to tell them to go back to work, and you would straighten it out, is that correct?

Mr. Clark: Well, I——

The Witness (Interrupting): In substance, that is correct.

Q. (By Mr. Mouritsen) And did you have any—what did you mean by the statement that you would straighten it out? What were you going to straighten out?

A. Well, there was a demand on me there that I fire a bunch of men. I assumed that there was a reason behind their demand, and my idea at that time was that I was going around later—I refused to do that—I was going around and talk to the men [2157] and see if I couldn't get everybody

(Testimony of Louis T. Robinson.)

satisfied and the business running smooth again.

Q. Did you have any understanding as to what reasons there were behind such a demand?

A. Well, I had known, Mr. Mouritsen, that there was two groups of employees, part wanting to be in the Union and part not wanting to be in the Union. Naturally I gave consideration to that at the time.

Q. And how long had you known that there were two groups at the plant prior to that time?

A. I would say the first recollection I can recall back to anything like that, I heard about the meeting that was held here in the American Legion Hall sometime in July.

Q. Do you recall how you obtained knowledge of that meeting that was held in the American Legion Hall in July?

A. Just gossip around the office.

Q. And between July and that date, did you receive any other information regarding these two groups that were in the plant?

A. No. It was current talk about the place, and I heard rumors and gossip.

Q. I believe you stated that Rube Lloyd was one of the men who told you, or who demanded that morning that the Union men be fired, is that correct?

A. That is the best of my recollection. These three are all that I seem to recall. [2158]

Q. Now, are you acquainted with the type of work that Rube Lloyd does at the plant?



(Testimony of Louis T. Robinson.)

A. Yes, sir.

Q. And is it a correct statement to say that Mr. Rube Lloyd is foreman of the millwright gang?

A. Well, I would have to have a definition of "foreman", I think, before I could answer that. I wouldn't consider him a foreman.

Trial Examiner Lindsay: May I have the first answer?

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Mouritsen) Now, will you state, Mr. Robinson, what you do consider a foreman, how you define a foreman so far as the operations at the plant are concerned?

A. I would define a foreman as Gordon Hammond. He is in charge of everything out there.

Q. Well, now, would you tell us just what a foreman at the plant would do, what duties he would perform, what he would do that would lead you to classify him as a foreman?

A. Well, I don't know of anybody at the plant that carries the title of foreman. That was the reason I asked you to give me your definition of a foreman. We have nobody. Rube Lloyd is not classed as a foreman at the plant.

Q. Well, will you state whether or not you have a number of employees at the plant who direct the work of other employees, [2159] give them orders and directions regarding their work?

A. Why, we have a large number of employees

(Testimony of Louis T. Robinson.)

that direct work on certain jobs, as long as that particular job is running.

Q. Doesn't Rube Lloyd, or hasn't he in the past, directed the work of the men in the millwright gang?

A. Rube Lloyd is an expert carpenter and construction man, and it is customarily the practice for us to send Rube Lloyd out with two or three or four men to do a job, and I would say Rube Lloyd was the head man on that job at that time.

Q. That has been done on a great number of occasions in the past, hasn't it? You have sent him out with other men, two or three or four, to direct their work, isn't that correct?

A. For a particular job, that is correct, yes, sir.

Q. Now, Rube Lloyd was also on this committee that came in to see you later in the day on November 18th, 1938, isn't that correct?

A. I judge, Mr. Mouritsen, that the people that came back to me were part of a committee. I don't recall a statement to that effect.

Q. I thought that you or Mr. Clark referred to that as a committee.

I will say he was one of these three men who came in later in the day to discuss, or who stated that they had seen the District Attorney, is that correct? [2160]

Mr. Clark: Mr. Mouritsen, I think the witness described it as a committee in the letter, and that is where I went into it.

(Testimony of Louis T. Robinson.)

The Witness: The point I was making is, I wasn't saying that they were not a committee. I don't recall a statement to me that they were a committee, but they might have been. I have no exact recollection, but Rube Lloyd was one of the men that came in to see me and said that with others he had gone to see the District Attorney. That is correct.

Q. (By Mr. Mouritsen) And one of the other members of that group was O. W. Busby?

A. That is my best recollection.

Q. Now, Mr. Busby works in the machine shop, doesn't he?      A. That is correct.

Q. And hasn't he, from time to time in the past, directed the work of other men working in the machine shop?

A. Well, I am not too well qualified to pass on that, but Mr. Busby is an expert mechanic. In my opinion, he is the highest priced man in the machine shop and the most experienced man in the machine shop.

Q. And if any matters come up relative to the machine shop, don't you or Mr. Gordon Hammond take them up with Mr. Busby?

A. Well, I would take them up with Mr. Hammond and it would be my opinion that Mr. Hammond would consider Mr. Busby the best qualified man in the machine shop. [2161]

Q. Aren't there a number of other men in the machine shop to whom Mr. Busby gives the directions that are relayed to him?

(Testimony of Louis T. Robinson.)

A. I wouldn't be qualified to say that. There were a number of other men in the machine shop. I would think that Mr. Busby was the best machinist there.

Q. In other words, you are not acquainted with the way in which the affairs of the machine shop are run, is that correct?

A. Well, I personally give no orders. Anything that I have to say, I say to Mr. Gordon Hammond, and he gives the orders, so I am not too qualified to testify along that line.

Q. Now, I believe you said that the third one was Mr. Sitton?           A. Yes, sir.

Q. That is Clyde Sitton?

A. Clyde Sitton.

Q. I will ask you if he isn't in any way related to Gordon Hammond?

A. I don't know that, whether he is or whether he is not. I can't answer.

Q. You have never talked with Gordon Hammond about that?

A. I don't recall any conversation.

Q. Well, isn't it—I will ask you if it isn't common knowledge at the plant that Clyde Sitton is Gordon Hammond's nephew?

Mr. Clark: I will object to that on the ground it has [2162] already been asked and answered. It calls for a conclusion of this witness. He says he does not know, couldn't tell us about it.

Trial Examiner Lindsay: He may answer.

(Testimony of Louis T. Robinson.)

The Witness: Mr. Mouritsen, I am not saying that he isn't. I just don't happen to know myself.

Mr. Clark: May I have the question read back?

Trial Examiner Lindsay: Or the answer?

Mr. Clark: The question.

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Mouritsen) Your answer is No, isn't it, Mr. Robinson?

Mr. Clark: That isn't the answer.

Trial Examiner Lindsay: Read the answer.

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: I don't think that is a direct answer to the question.

The Witness: I can say that I don't know whether it is common knowledge at the plant or not.

Mr. Mouritsen: Well, I think Mr. Gordon Hammond is going to be on the stand?

Mr. Clark: Yes, he is.

Mr. Mouritsen: We can ask him that. I think that is all. [2163]

#### Recross Examination

Q. (By Mr. Clark) Mr. Robinson, on your re-direct examination by Mr. Mouritsen, you said that you had known that there were two groups of men, namely some that wanted to join a Union and

(Testimony of Louis T. Robinson.)

some that didn't, in the plant, since July of 1938, or that meeting in this hall in July of '38. Is that right?      A. That is right.

Q. And that you first testified that you had picked that up from common gossip and rumor since that time?      A. That is correct.

Q. As a matter of fact, didn't you have a meeting with Mr. Prior around the first of September of 1938?      A. Yes, sir.

Q. And am I not correct in stating that at that meeting, he informed you, in substance and effect, that he was organizing a Union, or that he was attempting to get the employees of the plant to join a Union?      A. Yes, sir.

Q. Now, will you please tell us whether or not Mr. Ruben Lloyd has any authority from the J. G. Boswell Company, or anyone on its behalf, to employ or discharge any employee?

A. None whatever.

Q. Will you please tell us whether or not Mr. Busby or Mr. Sitton has any authority from the J. G. Boswell Company, or from anyone on its behalf, to employ or discharge any employee? [2164]

A. None whatever.

Q. Will you please tell us who has such authority, if anyone has, from the Company?

A. At Corcoran, no one but Gordon Hammond and myself.

Mr. Clark: I see.

I think you have seen this, Mr. Mouritsen, these three documents?



(Testimony of Louis T. Robinson.)

(The documents referred to were passed to Mr. Mouritsen.)

Mr. Mouritsen: May I read them?

Mr. Clark: Yes, indeed.

(Conference between counsel.)

Q. (By Mr. Clark) Now, Mr. Robinson, I show you—first off, Mr. Examiner, I will ask that a document in long hand on the stationery of the hotel at Tulare, be marked for identification, as Respondent Boswell's Exhibit for identification next in order in this case. [2165]

Trial Examiner Lindsay: Respondent Boswell's 11 for identification.

(Thereupon the document above referred to was received and marked Respondent Boswell's Exhibit No. 11 for identification.)

Mr. Clark: And next a typewritten document headed "Notice to Employees" upon which there appears in longhand the word "Final draft approved by Larson" and I ask that that be marked as Respondent Boswell's Exhibit for identification next in order.

(Thereupon the document above referred to was received and marked Respondent Boswell's Exhibit No. 12 for identification.)

Mr. Clark: And finally a further typewritten document entitled "Notice to Employees," and I ask that that be marked Respondent Boswell's Ex-

(Testimony of Louis T. Robinson.)

hibit for identification next in order, which I believe is 13.

(Thereupon the document above referred to was received and marked Respondent Boswell's Exhibit No. 13 for identification.)

Q. (By Mr. Clark) Mr. Robinson, I show you the document written in longhand, in pen and ink, on the stationery of the Hotel Tulare, which has been marked Respondent Boswell's Exhibit 11 for identification, and I will ask you to tell us what that is, please.

A. This is a document that was prepared by Mr. Larson with a request that we post it on our bulletin board for a period of fifteen days. [2166]

Q. All right.

Who is Mr. Larson?

A. Mr. Larson was a representative of the National Labor Relations Board out of the San Francisco office.

Q. All right.

And when, if ever, did Mr. Larson call upon you?

A. Shortly after the incident of November 18th. The best I could fix it would be around November 21st to the 25th.

Q. All right.

In other words, subsequent to November 18th and prior to November 25th, is that correct?

A. That is my best recollection.

Q. Am I correct in stating that Mr. Larson at a conference between you and Mr. Larson submitted

(Testimony of Louis T. Robinson.)

the document written in longhand on the Hotel Tular stationery, which is marked Respondent's Exhibit 11 for identification, to you?

A. He did. Mr. Larson was there at least two days.

Q. All right.

Did he submit this document to you?

A. He did.

Q. All right.

Was anyone else present when he submitted it to you?

A. Mr. John McWilliams was present.

Q. Who is Mr. McWilliams?

A. Mr. McWilliams is a vice president of the company living [2167] in Los Angeles.

Q. Can you tell us whose handwriting this document is in, if you know?

A. Well, Mr. Larson presented it already written up.

Q. I see.

A. I didn't see him write it.

Q. All right.

Now, I want to direct your attention, Mr. Robinson, to a change which appears in the second line of the text of this instrument, namely, a striking out of the words "supervisory employees" by pencil, and an encirclement of these words from which a line is drawn to the words "proper representatives" written in pencil appearing at the top of the document above the words "Notice to Employees."

Have you that change in mind?

(Testimony of Louis T. Robinson.)

A. Yes, sir.

Q. Can you tell us whose handwriting the words "proper representatives" are in?

A. I don't believe I can, but I think it is Mr. McWilliams. I wouldn't be sure.

Q. And likewise a question mark just opposite the words "supervisory employees." Do you notice that?      A. Yes, sir.

Q. Can you tell us when that change was made and what was the occasion for it? [2168]

A. Mr. Larson in the first place presented this to us. We discussed it and we asked to substitute the words "proper representatives" for "supervisory employees."

Q. How did the notice read when Mr. Larson first presented it to you, just with respect to those first three lines?

A. "This company will not through its supervisory employees or otherwise restrain, coerce, intimidate, or interfere with our employees' right to self-organization as guaranteed by the National Labor Relations Act."

Q. All right.

Am I correct in stating then that after a discussion with Mr. Larson you suggested that the change testified to be made?      A. That is correct.

Q. And will you read the language to us as changed?

A. "This company will not through it proper representatives or otherwise restrain employees'

(Testimony of Louis T. Robinson.)

right to self-organization"—I skipped a line.

"This company will not through its proper representatives or otherwise restrain, coerce, intimidate, or interfere with our employees' right to self-organization as guaranteed by the National Labor Relations Act."

Q. All right.

Now, will you please tell us whether or not Mr. Larson agreed to that change?

A. He did agree to it. [2169]

Q. Now, just so the record may be complete, I direct your attention to a further change which appears in the body of this instrument consisting of the words "Cotton Products, Mill and Grain Workers' Union, Local 21798," through which a red line is drawn.

Will you tell us whether or not that change was made with Mr. Larson's consent?

A. We requested Mr. Larson to eliminate that from the notice. He agreed to do it.

Mr. Clark: We will offer the document, just testified to by the witness, in evidence, Mr. Examiner, as Respondent Boswell's Exhibit next in order.

Mr. Mouritsen: No objection.

Trial Examiner Lindsay: Respondent Boswell's 11 is received.

(Thereupon the document above referred to was received in evidence and marked as Respondent Boswell's Exhibit No. 11.)

(Testimony of Louis T. Robinson.)

BOSWELL'S EXHIBIT No. 11

On stationery of Hotel Tulare:

Notice to Employees.

This company will not through its ~~supervisory employees~~ proper representatives or otherwise, restrain, coerce, intimidate, or interfere with our employees' right to self-organization as guaranteed by the National Labor Relations Act.

Furthermore, this company will not discriminate with regard to hire or tenure of employment because of affiliation ~~with Cotton Products, Mill and Grain Workers Union, Local 21798, affiliated~~ with the American Federation of Labor, or any other bona fide labor organization.

This notice will be posted for a period of 15 days.

-----  
Name of Company.

[Endorsed]: Filed 6/9/39.

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Q. (By Mr. Clark) Now, after the text of that document was agreed upon between you and Mr. McWilliams on the one side and Mr. Larson on the other, was it reduced to typewriting?

A. It was.

Q. I show you a typewritten—I show you the document which has been marked Respondent Boswell's 12 for identification, and directing your attention particularly to the words "Final draft approved by Larson" on it, and also to the initial "S"



(Testimony of Louis T. Robinson.)

[2170] with a circle around it underneath the typing, I will ask you to tell us first how those writings happened to be put on the instrument.

A. This copy was forwarded to Los Angeles so they would know what we had done, and that "S" indicates it went through the hands of Mr. Fred G. Sherrill.

Q. All right.

Whose handwriting—withdraw that.

Who wrote the words "Final draft approved by Larson"?

A. I don't believe I know.

Q. All right.

Now, tell us, is that the draft which was approved by Larson?

A. That is the draft.

Q. After the conversation with you and Mr. McWilliams?

A. That is correct.

Q. All right.

Then did you receive back from—withdraw that.

We will offer this in evidence, Mr. Examiner, and ask that it be marked Respondent's 12.

(Thereupon the document above referred to was received in evidence and marked as Respondent Boswell's Exhibit No. 12.)

## BOSWELL'S EXHIBIT No. 12

Final draft approved by Larson.

## NOTICE TO EMPLOYEES

This company will not through its proper *represen-*

(Testimony of Louis T. Robinson.)

*atives* or otherwise, restrain, coerce, intimidate or interfere with our employees' right to self organization and, furthermore, will not discriminate with regard to hire or tenure of employment because of affiliation with the American Federation of Labor or any other bona fide labor organization, as guaranteed by the National Labor Relations Act.

This notice will be posted for a period of fifteen days.

/S/

[Endorsed]: Filed 6/9/39.

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Mr. Mouritsen: Who prepared it, Mr. Clark?

Q. (By Mr. Clark) Who prepared, do you know? Was it prepared in your office? [2171]

A. I believe it was prepared in our office.

Q. And as a result of this conversation you had with Mr. Larson?

A. That is correct.

Q. All right.

Trial Examiner Lindsay: May I see it, please?

(The document referred to was passed to

Trial Examiner Lindsay.)

Mr. Clark: Would you like to see the other one, Mr. Examiner?

Trial Examiner Lindsay: No, it isn't necessary.

Q. (By Mr. Clark) I next show you the document marked Respondent Boswell's 13 for identification, and I will ask you whether this document is a true copy—withdraw that.

(Testimony of Louis T. Robinson.)

I will ask you what that is.

A. This is a copy of the notice that Mr. Larson requested us to post on our bulletin board.

Q. All right.

And is that the final draft, Mr. Robinson, of the notice which is set forth in Respondent Boswell's 11, I mean substantially?

A. Yes, sir.

Q. All right.

Will you please tell us whether the copy, or whether a copy of the instrument which you hold in your hand, and which [2172] is marked Respondent Boswell's 13 for identification was in fact posted on the bulletin board in the office at the Corcoran plant?

A. It was posted the same day that Mr. Larson asked us to do so.

Q. And approximately when was that, again?

A. The best I could say, it was between November 21st and November 25th.

Q. And was that after the words "proper representatives" had been substituted for "supervisory employees"?

A. Yes, sir.

Q. And for how long did this notice stay posted?

A. In excess of fifteen days.

Q. All right.

Continuously?

A. Continuously.

Q. Can you tell us where it was posted?

A. We have a bulletin board in the main waiting room just a few feet from the one where the men get their paychecks. I explained this location

(Testimony of Louis T. Robinson.)

to Mr. Larson and he approved it and I posted it there or I believe, actually, Mr. Elbert Arnold posted it there.

Q. At any rate, you know of your own knowledge it remained posted there for in excess of fifteen days after a date early in the week commencing November 21st, 1938, is that right? [2173]

A. Yes, sir.

Mr. Clark: We will offer the last document, which is marked Respondent Boswell's Exhibit 13 for identification in evidence, your Honor.

Mr. Mouritsen: No objection.

Trial Examiner Lindsay: Boswell's Exhibit 13 received.

(Thereupon the document above referred to was received in evidence and marked as Respondent Boswell's Exhibit No. 13.)

## BOSWELL'S EXHIBIT No. 13

### NOTICE TO EMPLOYEES.

This company will not through its proper representatives or otherwise, restrain, coerce, intimidate or interfere with our employees right to self organization as guaranteed by the National Labor Relations Act.

Furthermore this company will not discriminate with regard to hire or tenure of employment because of affiliation with the American Federation of Labor or any other bona fide labor organization.

(Testimony of Louis T. Robinson.)

This notice will be posted for a period of Fifteen Days.

[Endorsed]: Filed 6/9/39.

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Mr. Clark: That is all.

Redirect Examination

Q. (By Mr. Mouritsen) Mr. Robinson, I believe you stated that the only place that this notice, that is, Boswell's 13, was posted was in the office, is that correct? A. That is correct.

Q. Now, as a matter of fact, don't you have in the machine shop another bulletin board?

A. Not that I know of. Not that I know of.

Q. In the machine shop then you have never noticed a bulletin board for the company on which are posted various notices and memoranda?

A. No, I haven't.

Q. Is there in the plant other than in the office any other bulletin board that you have ever noticed?

A. No. That is the only one I have ever noticed.

Q. And do you have a bulletin board—do you have more than [2174] one bulletin board in the office? A. Not that I know of.

Q. Well now, I will ask you if during November of 1938 there were any other bulletin boards at the plant other than the one that you have described as being in the office?

(Testimony of Louis T. Robinson.)

A. Not to my knowledge.

Q. And you are constantly in and about the plant, I take it? Your duties carry you throughout the plant almost every day, do they not?

A. Yes. That is correct.

Mr. Clark: We can easily find out whether there are or not.

Mr. Mouritsen: I think that is all.

### Recross Examination

Q. (By Mr. Clark) Mr. Robinson, I believe you said that this board is right next to the pay window?

A. It is just across the hall. The pay window is on the north side of the main waiting room and the bulletin board is in the main waiting room just across the hall from the pay window, I wouldn't think over six feet away.

Q. Will you please state whether or not that bulletin board is where notices intended to be read by the company's employees are customarily posted?

A. We customarily post notices there such as the social security notices and unemployment relief and notices of that [2175] type.

Q. All right.

And will you tell us, please, whether or not in order to obtain their checks it is necessary for the employees to call at this window?

A. It is necessary for the employee or some representative of the employee to call.



(Testimony of Louis T. Robinson.)

Q. In other words, it is the window where they were paid, isn't it?

A. The women come around and get a lot of the checks.

Mr. Clark: I see. That is all.

Mr. Mouritsen: Nothing further.

(Witness excused.)

Trial Examiner Lindsay: We will adjourn until 2:00 o'clock.

Mr. Painter: Your Honor, we have certain witnesses here I would like to have you request to come back.

Trial Examiner Lindsay: Just a moment. Will you please tell those people that all witnesses who have been subpoenaed here are supposed to return at 2:00 o'clock, or all witnesses that are here in behalf of the respondents.

(Whereupon, at 12:00 o'clock noon, an adjournment was taken until 2:00 o'clock p. m. of the same date.) [2176]

#### After Recess

(Whereupon the hearing in the above-entitled matter was resumed, pursuant to recess, at 2:00 o'clock p. m.)

Trial Examiner Lindsay: Hearing called to order.

Mr. Mouritsen: Ready for the Board.

Mr. Clark: Respondents are ready, Mr. Examiner.

Trial Examiner Lindsay: Do you have any more witnesses?

Mr. Mouritsen: I have some information from Board's 3, Mr. Examiner, that I would like to put in the record, and in order that the respondent may withdraw the same, since it is an original record, I think that the information should be contained in the record. I will ask counsel for the respondent to check with me as I read the information that I propose into the record, to check its accuracy.

Mr. Clark: Very well.

I suggest, Mr. Examiner, if I may, that Board's Exhibit 3 be left right where it is until we can get a chance to go through this record and find out how much of it has been used and I will engage on behalf of the respondents to furnish photostatic copies of the sheets, if I am allowed to withdraw the exhibit for that purpose, when I request it—to furnish photostatic copies of the sheets which have been referred to because, although I don't know what Mr. Mouritsen is going to read into the record now, I do know that I examined some certain sheets of the exhibit and called witnesses' attention to [2177] other entries in it to a rather large extent throughout the Board's case—at least in a dozen instances. I would rather have those full pages in the record in the shape of photostats and then counsel——

Trial Examiner Lindsay (Interrupting): I am sure that you gentlemen can agree on something. May I ask where you have to go to have photostatic work done?

Mr. Clark: I can have them photostated either in Los Angeles or in San Francisco. In other words, if the exhibit should be taken back by the Examiner to Los Angeles, perhaps you could arrange to have a schedule of the sheets photostated down there and the bill sent to us and then the record returned to the Los Angeles office of the Boswell Company from which it came.

Trial Examiner Lindsay: No, I wouldn't care to take the responsibility.

Mr. Clark: We could have someone from Boswell Company pick up from you the document and have such sheets as we would indicate photostated and the sheets delivered to you and the record returned to the company, some arrangement of that sort, or I could take it to San Francisco and have it photostated there and return both the exhibits and the photostats to you with the request that after they have been compared by counsel for the Board that the book be returned to Boswell in Los Angeles. [2178]

We haven't any facilities here for the photostating, I understand.

Trial Examiner Lindsay: I don't think you do at Hanford and I don't think that you do at Fresno.

Mr. McTernan: They do at Fresno.

Trial Examiner Lindsay: They do at Fresno?

Mr. McTernan: Yes.

Trial Examiner Lindsay: Then my suggestion is—this is off the record.

(Discussion outside the record.)

Mr. Mouritsen: May the record show that Board's Exhibit 3 shows that Walden, W-a-l-d-e-n H. Bunker, B-u-n-k-e-r, was first employed by the Boswell Company on March 25, 1939; that he worked, apparently, the week ending April 29, 1939, and received for his work \$47.50, less social security deductions.

Let the record show that Board's Exhibit 3 shows that Leland, L-e-l-a-n-d, Douglas Caffall, C-a-f-f-a-l-l, was first employed by the company on September 26, 1938; that he worked part of the week ending November 3, 1938, and apparently the entire week ending December 1, 1938; part of the week ending December 25, 1938, and apparently the full week ending December 31, 1938. He was next employed, apparently, during the week ending February 2, 1939, and also worked the full week ending May 6, 1939.

Mr. Clark: With respect to Mr. Caffall, I would like the [2179] record to show further, Mr. Examiner, that he received, respectively, the following amounts for the periods indicated: \$12.50; \$75; \$10, being his compensation for the week ending December 25, 1938; \$75 and \$75 and \$75; apparently, according to this record, the man was employed for the week ending December 31, 1938, and then not again until the week ending February 2, 1939, and then not again until the week ending May 6, 1939; and for each of those weeks he received \$75. [2180]

Mr. Mouritsen: Let the record show that

Board's Exhibit 3 indicates that F. A. Champagne was first employed by the J. G. Boswell Company on March 7th, 1939, that he worked part of the week ending March 11th, 1939, for which he received \$8.00; that he apparently worked continuously since March 7th, 1939 through the week ending May 6th, 1939.

Trial Examiner Lindsay: Did we get his first name?

Mr. Mouritsen: His initials are F. A.

And as I understood the statement at the first of the hearing, Mr. Examiner, this book, that is, Board's Exhibit 3, is just completed through the week ending May 6th, 1939.

Mr. Clark: I don't remember that, but we can check and if that is not a correct statement, we will put in testimony on it.

Mr. Mouritsen: May the record show that Board's Exhibit 3 shows that Al Chestnut was first employed by the Boswell Company on December 23rd, 1938, and that he worked from that time until February 23rd, 1939.

May the record show that Board's Exhibit 3 shows that Lee Chestnut—spelled the same as the last one—Lee is the first name—L-e-e—was first employed by the J. G. Boswell Company on December 23rd, 1938, and that he worked continuously from that time to February 23rd, 1939.

Mr. Clark: For the week ending February 23rd, he only has a partial payment of \$4.30, whereas his payment averages [2181] \$33.50 for the rest of the time, except the first week is \$14.00.

Mr. Mouritsen: I will stipulate to that.

May the record show that Board's Exhibit 3 shows that Andrew Clark, C-l-a-r-k, was first employed by the J. G. Boswell Company on January 8th, 1939, that for the pay period ending January 14th, 1939, he received \$28.80; for two pay periods ending February 3rd, 1939, he received \$9.20.

Mr. Clark: Well, am I not correct in stating, Mr. Mouritsen, that according to our understanding of the record, it shows that this man worked the week ending—apparently worked the week ending January 14th, 1939, for which he received \$28.80, and then not again until he worked a portion of the week ending February 23rd, 1939, for which he received \$9.20?

Mr. Mouritsen: That is correct.

May the record show that Board's Exhibit 3 indicates that Charles A. Crye, C-r-y-e, started to work for the J. G. Boswell Company during the pay period ending May 5th, 1938.

Mr. Clark: We had better furnish a photostatic copy of the page on this man, because it is quite long, instead of reading it in.

Mr. Mouritsen: Yes, that would perhaps be preferable.

Trial Examiner Lindsay: You had better make a note of it right there so you will know exactly what you are doing.

Mr. Mouritsen: And may the record show that Board's Exhibit [2182] 3 indicates that Fred Matthews, M-a-t-t-h-e-w-s, started to work for the J. G. Boswell Company on May 13th, 1938, and



perhaps it would be advisable to have a photostatic copy made of this page, in as much as it also contains considerable information.

Mr. Clark: Yes. We will furnish a photostatic copy.

Mr. Mouritsen: May the record indicate that that Board's Exhibit 3 shows that Joseph Melton, M-e-l-t-o-n, first commenced to work for the J. G. Boswell Company on October 1st, 1938, and it appears it would be advisable to have a photostatic copy made of his page, in as much as it contains considerable information.

Trial Examiner Lindsay: Mark it.

Mr. Mouritsen: May the record show that Board's Exhibit 3 indicates that Harry Rickman, R-i-c-k-m-a-n, was first employed by the J. G. Boswell Company on March 4th, 1939, and that he worked continuously from that time through the pay period ending May 6th, 1939.

Do you want the amount?

Mr. Clark: No, I don't think so.

Mr. Mouritsen: May the record show that Board's Exhibit 3 shows that Vernon R-o-o-d was first employed by the J. G. Boswell Company on October 13th, 1938, and in as much as his record is rather lengthy, I think it would be advisable to have a photostat made of that page. [2183]

May the record show that Board's Exhibit 3 shows that Harold, H-a-r-o-l-d N. Smith, S-m-i-t-h, was first employed by the J. G. Boswell Company on January 7, 1939; that he worked—that for the

pay period ending January 14, 1939, he received \$24; that for the pay period ending January 23, 1939, he received \$9.20, and that no further work is indicated until the pay period ending May 6, 1939, at which time or for which period he received \$13.20.

Mr. Clark: I would like the record to show, Mr. Examiner, that these figures which are referred to by Mr. Mouritsen simply have the indication on them as to the date employed and do not say date when first employed.

I want the record to be clear on that, because if there is any explanation to that that these men have been employed on prior occasions, I don't want to be forestalled by my silence when Mr. Mouritsen states certain dates for the dates on which they were first employed.

Mr. Mouritsen: It may be understood that those are the first dates shown in Board's 3.

Mr. Clark: On the pages referred to, yes.

Trial Examiner Lindsay: Off the record.

(Discussion outside the record.)

Mr. Mouritsen: May the record show that Board's 3 indicates that John Watson, W-a-t-s-o-n, was first employed some time during the pay period ending May 5, 1938, and inasmuch as [2184] he has quite a considerable record of employment I suggest that this page also be photostated.

May also the record show that Board's 3 indicates that M. Escobedo, E-s-c-o-b-e-d-o, worked for the J. G. Boswell Company last in the year 1938

during the pay period ending November 17, 1938, and did not again work for the company until some time during the pay period ending January 7, 1939.

Mr. Clark: I would like the record to show in that connection that Mr. Escobedo continued to work for the company for the week ending January 14, 1939; January 23, 1939, and then apparently he was laid off and only worked during the week ending March 4, 1939; he worked the period ending March 11, 1939, March 18, 1939, March 25, 1939, and then apparently was laid off again and worked the week ending April 6—May 6, 1939, and of course this record indicates he has worked a considerable time prior to that.

Mr. Mouritsen: Yes.

Mr. Clark: Prior to November 17, I mean.

Mr. Mouritsen: Yes. That is correct.

May the record show that Board's 3 shows that Lawrence Galvan, G-a-l-v-a-n, last worked for the J. G. Boswell Company in the year 1938 during the pay period ending November 17, 1938; thereafter he did not again work for the company until some time during the pay period which ended January 7, 1939; that he worked for the company during the pay period ending [2185] January 14, 1939, and apparently did not work during the month of February but again worked for the company during the pay period ending March 4, 1939, March 11, 1939, March 18, 1939, and March 25, 1939; apparently did not work during the month of April but again worked for the company during the pay period ending May 5, 1939.

May the record show that Board's 3 indicates that Pete Galvan, G-a-l-v-a-n, last worked for the J. G. Boswell Company in the year 1938 during the pay period ending December 1, 1938; that for the pay period preceding December, that is the one ending November 24, 1938, he received \$8.40; for the pay period ending November 17, 1938, he received \$19.20; that after December 1st he did not again work for the company until some time during the pay period ending January 7, 1939; that he also worked during the pay period ending January 14, 1939, apparently did not work during the month of February 1939 but again worked for the company during the pay period ending March 4, 1939; during the pay period ending March 11, 1939, and during the pay period ending March 18, 1939, and that the record does not indicate that he has worked since that time.

May the record show that Board's Exhibit 3 indicates that V. C. Galvan, G-a-l-v-a-n, last worked for the company in the year 1938 during the pay period ending November 17, 1938; that he did not thereafter work for the company during the year 1938 and next was employed by the company during the period [2186] ending January 7, 1939; that he thereafter worked during the pay period ending January 14, 1939, January 23, 1939; that apparently he did not work for the company during the month of February 1939 but again worked for the company during the pay period ending March 4, 1939; that he worked during the pay period ending March 11, 1939, March 18, 1939, March 25, 1939,

and that apparently he did not work for the company during the month of April 1939 but did again work for the company during the pay period ending on May 6, 1939. [2187]

May the record show—perhaps we better have the sheet photostated, a copy of the two pages that are devoted to Ygnacio Galvan—that is spelled Y-g-n-a-c-i-o—

Mr. Clark (Interrupting): Being sheets 2 and 3. We will furnish those. They indicate that Mr. Ygnacio Galvan worked steadily through November and December, January, February, March—he worked steadily right straight through, I think.

Mr. Mouritsen: There are a number of work periods when he did not apparently receive full time.

Trial Examiner Lindsay: If you are going to have a photostatic copy—

Mr. Clark (Interrupting): We will furnish that.

Trial Examiner Lindsay: All right.

Proceed with the next one.

Mr. Mouristen: I think, Mr. Examiner, we better have photostatic copies of the two pages in Board's 3 devoted to Andrew Galvan in as much as he has an extensive record of employment with the Company.

Mr. Clark: And apparently he continued to work straight through '38 and up to the period ending May 6th of this year.

Mr. Mouritsen: Mr. Examiner, at this time I move to amend the complaint in this matter to conform to the proof adduced.



Mr. Clark: Well, do I understand that the Board is resting its case? [2188]

Mr. Mouritsen: Well, if we may have a ruling on the motion.

Mr. Clark: I have nothing to say about that, Mr. Examiner, except that I am about to make a motion to dismiss on behalf of the Associated Farmers of Kings County.

Trial Examiner Lindsay: Let us take one thing at a time.

Mr. Clark: I mean, just so long as I am reserving my right there——

Trial Examiner Lindsay (Interrupting): You will not lose that, anyway.

Mr. Clark: I understand that. I would like some indication of the proof that Mr. Mouritsen has in mind, and of the respects in which he intends to amend the complaint.

Mr. Mouritsen: Well, there have been, Mr. Examiner, I believe, a number of minor discrepancies, maybe in a date, where the date mentioned was several days from the date that was brought out in the proof. It does not bring up any new issue or in any way attempt to take the Respondent by surprise, but is merely to assure the pleading in any minor discrepancies that have been shown during the course of the trial or hearing.

Mr. Clark: I have no objection at all to that, Mr. Examiner, except general objections I have urged to the Board's case. In other words, it is quite all right with me so far as the mechanics of



amending the complaint are concerned, they may be amended to take care of any minor discrepancies in dates or things of that sort. I understand no new issues are [2189] created, and no new parties are attempted to be added.

Mr. Mouritsen: No, that is not attempted.

Trial Examiner Lindsay: With that understanding, the motion may be granted.

Mr. Mouritsen: At this time, Mr. Examiner, the Board rests.

Mr. Clark: Now, Mr. Examiner, on behalf of the Respondent, Associated Farmers of Kings County, Inc., I move for a dismissal of the complaint and charge upon which it is based, upon the following grounds:

First, that there has been no showing whatsoever, may it please the Examiner, that this Respondent is either engaged in interstate commerce, or in fact, any commerce within the meaning of the National Labor Relations Act, or that it has permitted or performed any act which, in any way, has affected or burdened interstate commerce. In short, the gist of that ground for the motion simply is that no ground of jurisdiction for the Board has been shown in this case as to that Respondent.

Trial Examiner Lindsay: Which Respondent?

Mr. Clark: The Associated Farmers of Kings County. This is just on behalf of that Respondent at this time.

Nextly, Mr. Examiner, that there is no showing whatsoever in the record that the Associated Farmers of Kings County, which the evidence shows is

a corporation, has at any time been an employer within the meaning of the National Labor [2190] Relations Act, or that the Respondent has acted in the interest of any employer who is subject to the jurisdiction of the Board;

And, lastly, Mr. Examiner, upon the ground that there is no evidence whatsoever that has been adduced during this hearing which shows any violation by the Associated Farmers of Kings County of any provisions of the National Labor Relations Act, even assuming for the sake of argument, the Board has jurisdiction and that the corporation is an employer within the meaning of the Act.

Now, I don't propose to argue that at least, your Honor, even should you permit me to do it, because I realize you have sat during, in and decided a great many of these matters. I defer to the experience that you have obviously had in this type of litigation and other litigation and simply it occurs to me that it is perfectly obvious that except for hearsay statements on the part of some of these Union members, some of the gentlemen who testified that they were members of the Union, to the effect that some unknown persons—well, some were identified persons—down at this gathering at the Boswell plant on the morning of January 30th said that it was because we, the Associated Farmers of Kings County, were doing this and that—except for that, there is no evidence at all in the record, and of course your Honor is familiar with the Consolidated Edison Company case decided by the

United States Supreme Court and the Union Stage case, I think it is in this circuit [2191] which hold that while in a hearing of this kind, the rules of evidence as we ordinarily understand them do not apply, nevertheless there must be evidence of a substantial nature upon which to base a finding. [2191-A]

Now, I would just like to call your Honor's attention to this——

Trial Examiner Lindsay (Interrupting): May we make one *correct*?

Mr. Clark: Yes.

Trial Examiner Lindsay: The words "do not apply" are not correct. The rules of evidence are not controlling.

Mr. Clark: That is what I meant to say. I was about to correct myself.

However, the cases that I referred to do hold, as your Honor knows—because I have discussed it with you during the hearing here in the presence of counsel for the Board—that irrespective of that provision in the Act there must be legal evidence on which to support a finding that is substantial evidence.

Now, there is just one further word I would like to say in that regard, and that is this: If we would overlook the hearsay nature, the only evidence, the only claim there is that the Associated Farmers of Kings County had anything to do with the events of January 30th—if we would overlook the hearsay nature of those statements coming from Mr. Martin

and Mr. Griffin, I think, and Mr. Boyd Ely, nevertheless we find a further defect there, and that is that the statements, if true, were made by persons without any authority from the corporation which is a respondent in this case. And the record will [2192] show, Mr. Examiner, that they were made by persons who in point of fact in some instances—if we assume the truth of the Martin and Griffin testimony—that they were made by persons who in point of fact were not members of the Associated Farmers of Kings County.

And I refer in that particular to Mr. Griffin's testimony, I think it is, at least it is one of the gentleman concerning the matters of January 30th, where he says that four gentlemen in chorus said, "We, the Associated Farmers of Kings County are in effect responsible for this," and he named those persons. One of them was Mr. Filcher whom the record shows was not a member of the Associated Farmers and the other one I believe was Mr. —his name has slipped me for a moment, Mr. Wilbur, Bob Wilbur, who testified here and who likewise the evidence shows was not a member of the Associated Farmers of Kings County.

So at the very best, if we even assume that these hearsay statements are true, at the very best we have people who were not members of the organization making them, laying the blame there, we will say, without any authority at all.

Now, I am most sincere in raising this motion—it isn't just for the record. I think the proceeding

should be shortened. I think the time of your Honor should not be taken up. I don't think that the respondent should be put to the expense of a defense in view of the fact that the Board has [2193] absolutely failed to, so far as I can see, make out any case whatsoever against that respondent. Certainly there is no testimony here upon which your Honor could base a finding under the decisions and even if we assume that you could, we have this further lack of authority point that I have pointed out to you with respect to which we have people who are not even members of the organization, according to Mr. Griffin and Martin, saying, "We, the Associated Farmers of Kings County are responsible for that."

Now, Mr. Boyett took the stand. He answered all of the questions put to him, and there was nothing elicited from him which would in any way involve this organization.

In response to the subpoena served upon it, we produced all of the records called for and likewise those records show, Mr. Examiner, that this organization had nothing whatsoever to do with the occurrences down there at the plant on January 30th. It would be just as reasonable to attempt to hold the Associated Farmers of Kings County because some of its members were in the crowd that morning as it would be to hold the Farm Bureau, which is a farm organization to which practically every farmer belongs, or the Grange, or the Elks, or the Knights of Columbus, or the Masons, or anybody else.



There is no authority shown; as I say, I submit that the organization should not be put to its defense, and I defer to your Honor's experience and the fact that I know you have kept [2194] close track of the evidence as it went in this case.

Without any argument at all, I would like to make a further motion for the record and that is a motion to dismiss on behalf of the Corcoran Telephone Exchange on the ground that no jurisdiction of the Board has been established in that the evidence falls short of showing that that corporation is engaged in interstate commerce or in any business substantially affecting interstate commerce or in which a labor situation could affect interstate commerce within the decision of that situation in the Santa Cruz Packing Company case. And a further ground for that motion to dismiss is that Mrs. Dunn herself testified that she was not a member of any labor organization, had never engaged in any union activities, and so I take it that any redress so far as she is concerned is beyond the scope of the Act.

I will submit those two motions, your Honor.

Trial Examiner Lindsay: Do you have anything to say, Mr. Mouritsen?

Mr. Mouritsen: Well, with reference to that, your Honor, the first motion of counsel, first, that it has not been indicated that the Associated Farmers were in any way implicated, I should like to direct the Examiner's attention to the fact that first these men identified themselves as Associated



Farmers. We had present a director—as the exhibit will show—a director of the corporation, the Associated Farmers [2195] of Kings County, Inc., who has also been shown to be one of the leaders of that movement.

The fact that they identified themselves as Associated Farmers—and I am sure that the Trial Examiner observed the demeanor of these witnesses, including the director of the Associated Farmers upon the stand, and that his denial of any of the incidents or any responsibility for the incidents that took place was far from convincing.

In that regard, the people present also testified that they had no cotton themselves stored in the Boswell Company so that the only way they could have been acting was in the interests of the Boswell Company. It has been clearly demonstrated that such company is clearly subject to the jurisdiction of the Board in that it engages in interstate commerce and that a dispute—and that in actuality a labor dispute has occurred which has resulted in considerable curtailment and has interrupted interstate commerce.

In view of those facts, Mr. Examiner, I think that such connection has been established that the Associated Farmers are connected—have been connected up with the J. G. Boswell Company, have been shown to be employers within the meaning of the Act, and as such subject to the jurisdiction of the Board.

With reference to the Corcoran Telephone Ex-

change, the testimony shows that Mr. Glenn discharged the complainant in [2196] that matter, or the one who signed the charge, due, according to the testimony, to pressure that was put upon it. We have shown that Mr. Glenn's interests are very closely associated with those of the J. G. Boswell Company; that he is very much in debt to that company, that his telephone business to a large degree is dependent upon the business and good will of the J. G. Boswell Company.

Mr. Clark makes much of the fact that Mrs. Dunn was never a member of a labor organization. I think that a closer reading of Section 8(3) of the Act will indicate to Mr. Clark and to any other observer the fact that it is not necessary for a complaining witness to be a member of a labor organization, but only that such person be discharged for the purpose of encouraging or discouraging membership in a labor organization.

And upon those grounds and that short argument, Mr. Examiner, it is the Board's position that the motion should not be granted but that the hearing proceed and that the respondent be given opportunity to put on their defense.

Trial Examiner Lindsay: The motion is denied, and you may have an exception.

Mr. Clark: Now, may we have a short recess, your Honor? It is almost 3:00 o'clock.

Trial Examiner Lindsay: Yes. What do you *what*? About 20 minutes?

Mr. Clark: Yes, I would like that. [2197]

Trial Examiner Lindsay: You may have half an hour if you wish.

Mr. Clark: Twenty minutes is enough, I think.

(At this point a short recess was taken, after which the proceedings were resumed as follows:) [2198]

Trial Examiner Lindsay: Hearing called to order.

Mr. Painter: Shall we proceed?

Trial Examiner Lindsay: Yes.

Mr. Painter: Mr. Patten.

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T. W. PATTEN

a witness called by and on behalf of the Respondent, Associated Farmers of Kings County, Inc., being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Painter) What is your full name, please? A. T. W. Patten.

Q. Where do you reside, Mr. Patten?

A. At the Kings County Land-Cattle Company, 1½ miles West of Lemoore.

Q. What is your business?

A. Ranching.

Q. What is the name of the ranch that you operate?

A. Well, it is known as the Kings County Land and Cattle Company.

(Testimony of T. W. Patten.)

Q. Is it known by any other name?

A. Oh, it was formerly the old Heinlen ranch.

Q. Were you operating that ranch in January of this year?

A. We were.

Q. And you are still operating it?

A. Yes. [2199]

Q. Do you know Russel Slaybough?

A. I do.

Q. Did you know him in January of this year?

A. I did.

Q. Do you recall seeing him in the latter part of January of this year?

A. He was on our ranch in the latter part of January.

Q. On the day that you saw him, do you recall when he got there?

A. Yes. It was in the forenoon, I would say, between 9:30 and 10:00.

Q. And how long did he stay on your ranch on that day?

A. About two or two and a half hours; shortly after noon that he left.

Q. Was anyone with him?

A. Yes, Mr. George Bell and his wife, Mrs. Slaybough.

Q. And do you remember what day of the week that was?

A. Yes, it was on a Monday.

Q. Now, have you any way of fixing the date that was, that he was there?

(Testimony of T. W. Patten.)

A. Well, we were on a horse trade, horse deal. I had a colt that he was looking at and we took the colt to Mr. Bell's stable for training on February 2nd, so I would presume it would be about the Monday prior to that date.

Q. That would be the Monday prior to February 2nd? [2200]

A. Prior to February 2nd.

Q. What did you do there at the ranch while they were there?

A. Well, he looked the colt over, and we saddled the colt. He rode the colt. It was raining in between, and we discussed the various points of the colt.

Q. That was later, on February 2nd, then sent over to Mr. Bell's stable, is that it?

A. Over to Mr. Bell's stable.

Mr. Painter: That is all.

#### Cross Examination

Q. (By Mr. Mouritsen) Mr. Patten, have you ever talked with Mr. Slaybough since you were on this horse deal? A. Yes, various times.

Q. And have you ever talked with him about the testimony that you have given here?

A. Yes. He was over last Sunday—I believe it was last Sunday—checking up to see if I could recall this deal we were on.

Q. Could we fix the date? What was the date of last Sunday?

A. Last Sunday was the 2nd, was it not?

(Testimony of T. W. Patten.)

Mr. Clark: The 4th of June.

Mr. Mouritsen: The 4th of June.

Q. Was that the first time that you ever talked with him about your testimony here, that you have given here on the stand? [2201]

A. The first time.

Q. Did Mr. Slaybough say anything about his having testified here?

A. Not that I recall.

Q. Well, didn't he tell you that he had testified, at that time?

A. Well, he may have. I don't know what his testimony was. He said that there was some controversy as to his whereabouts, and he wanted to show where he was on that date.

Q. Where were you when Mr. Slaybough talked to you about this?

A. On our ranch at Lemoore.

Q. That is the same ranch where you were looking at the horse before?

A. That is where I live, yes, sir.

Q. Where did you have your conversation with Mr. Slaybough?

A. About the horse deal or——

Q. (Interrupting): No, on this later occasion?

A. At our ranch.

Q. Was anyone else there when you talked with him?      A. Last Sunday?

Q. Yes.

A. Yes, his attorney, Mr. Painter. I don't



(Testimony of T. W. Patten.)

know whether he is his attorney. [2202]

Q. And did Mr. Painter also take part in the conversation?

A. Yes. He wanted to know if I could recall the date that Mr. Slaybough was on our ranch regarding this horse deal.

Q. Now, will you tell us what Mr. Slaybough said to you on that occasion? The first thing he said to you, if you can recall.

A. I can't recall the first thing that he said, no, but he asked if I had some way of determining the date that he was there; and I had, because I had a bill as to when we took the horse over to the training stables, an incident came up that I recall that he was at our ranch on the Monday prior to my taking the horse over, because he did not take the colt, and for that reason I took it to the stables for training.

Q. Now, will you tell us what further was said at this conversation that you had with him last Sunday.

A. He wanted to know if I would be willing to come down here on his behalf if it was necessary, and I said I would.

Q. Did he ask you to back his story up?

A. No, he didn't.

Mr. Painter: Objected to as incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: I think the answer is in.

(Testimony of T. W. Patten.)

Mr. Painter: May I have the answer read?

Trial Examiner Lindsay: Yes. Read the answer.

(The answer referred to was read by the reporter, as set [2203] forth above.)

Q. (By Mr. Mouritsen) Didn't he ask you to corroborate the fact that he was there on that prior occasion?      A. Yes.

Mr. Painter: Object to that as incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: He may answer.

The Witness: He asked if I could fix in my mind or if I had some way of telling what date he was at the ranch, and I had for various different things that came about that brought the fact to my mind.

Q. (By Mr. Mouritsen) And do you recall anything further that was said at that time? That is, on this occasion last Sunday?

A. Nothing.

Q. Now, Mr. Patten, you are certain that Mr. Slaybough at that time didn't tell you that he had testified prior to that time, is that correct?

A. I wouldn't say that he had. I don't recall him telling me he had testified.

Q. You don't recall? I didn't get your answer.

A. Yes.

Q. Now, I believe you stated that the only ones present on that occasion were, on this prior occasion when Mr. Slaybough was at your ranch, was

(Testimony of T. W. Patten.)

Mrs. Slaybough, and Russell Slaybough, and [2204]  
Mr. Bell, is that correct?

A. Well, they were with Mr. Slaybough at the time. However, on the ranch there were Mr. Craig, Mr. A. M. Craig, and our horse breaker there, Segundo Lopez. He saddled the horse.

Q. And there weren't any children there with Mr. Slaybough and his wife? Is that correct?

A. I don't believe so. I don't recall any, no. There were no children with Mr. Slaybough.

Q. I beg your pardon?

A. There were no children with Mr. Slaybough. Mr. Mouritsen: That is all.

Mr. Painter: That is all.

Thank you, Mr. Patten.

(Witness excused.)

Mr. Painter: Mr. Bell.

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## GEORGE W. BELL

called as a witness by and on behalf of the Associated Farmers of Kings County, Inc., having been first duly sworn, was examined and testified as follows:

### Direct Examination

Q. (By Mr. Painter) What is your name, please? A. George W. Bell.

Q. And where do you reside?

A. Tulare. [2205]

Q. What is your business?

(Testimony of George W. Bell.)

A. Horse business, livestock, and auctioneering.

Q. Are you acquainted with Russell Slaybough?

A. I am.

Q. Did you know him in January of this year, 1939?      A. I beg your pardon?

Q. Did you know Russell Slaybough in January of this year?      A. Yes, sir.

Q. Do you recall seeing him at any time the latter part of January of this year?

A. Yes, sir.

Q. Where did you see him?

A. Well, I saw him in my barn on the latter part of the month, on the 29th, on Sunday; and I arranged with him to meet me to go to the Heinlen ranch on the following morning and I met him and we went to the Heinlen ranch. I called the Craig ranch, A. M. Craig, and A. W. Craig—they are brothers.

Q. Where did you arrange to meet Mr. Slaybough on the following morning?

A. I met him just west of Guernsey Station right at the intersection of what I would call the Stratford-Corcoran-Guernsey Road, where the Corcoran Road would come into the Stratford and Guernsey Road.

Q. How did you get to that place?

A. I drove my car there.

Q. Was anyone with Mr. Slaybough when you met him there? [2206]

A. His wife was with him.

(Testimony of George W. Bell.)

Q. What did you do after you met Mr. Slaybough and his wife?

A. I locked my car and left it there, and got in with them and we continued on to the Craig ranch, to the Craig Brothers.

Q. What time did you meet Mr. Claybough at the Guernsey intersection?

A. I was to meet him at 9:00 o'clock. I was ahead of time, and I—after I got started his wife looked at his watch, and it was between 9:00 and a quarter after 9:00.

Q. Did you drive directly to the Heinlen ranch?

A. Directly there, yes.

Q. How long did you stay at the Heinlen ranch?

A. From the time we arrived there and from the time we got away and got back to Lemoore, it was practically lunch time, because we looked at the restaurants for lunch, and we went over to Hanford and ate at Peden's Cafe there that noon, at Hanford.

Q. That was the 30th of January, on Monday?

A. That was the 30th of January, on Monday.

Q. What did you do at the Heinlen ranch with Mr. Slaybough that morning?

A. In what way?

Q. Well, what was the purpose of going there, Mr. Bell?

A. I had asked him to go over there and look at a brown horse that Craig Brothers had with a view in mind of exchanging horses with him for

(Testimony of George W. Bell.)

a horse that I had sold to Russel possibly [2207] a year before.

Q. Now, after you ate lunch at Peden's, where did you go?

A. We returned back down the Hanford and Guernsey road until we came to my car, and they turned towards Corcoran and I got into my car and went to Tulare.

Q. Were you—withdraw that.

About what time did you get back to your car there?

A. As best I remember, it was around 2:00 o'clock.

Q. And were you with Mr. and Mrs. Slaybough all of the time from about 9:00 o'clock in the morning until the time that you returned to your car?

A. Yes, all the while.

Q. Did you meet anyone there when you got to your car, or did you see anyone that you knew as you were there at your car, after you had been at the Heinlen ranch?

A. While we sat there in the car and talked, a car came from the West, and we recognized the driver of that car, but there was no one there at my car at the time I drove up.

Q. I see.

Who was the driver of this car that you recognized coming from the West?

A. Brice Sherman.

Q. And did Brice Sherman stop?



(Testimony of George W. Bell.)

A. Not at that time.

Q. Did he stop at any time while you were there? [2208]

A. He told—as my car and Russel's was headed West, and Brice was coming from Stratford, he was going East, and he drove down towards Guernsey a short ways and turned and drove back and drove up alongside of the car of Slaybough's that I was in, and we stopped and talked.

Q. Let me interrupt a moment.

You say he was coming from Stratford. I assume you mean from the direction of Stratford?

A. Yes. I don't know where he had been, or anything about that.

Q. Did you have any conversation with Mr. Sherman on that occasion?

A. We visited. I had known Brice for a long time. I would say for maybe twenty years. We visited a while.

Q. Was there any discussion of anything that had happened on the morning of that day?

A. There was. [2209]

Q. What, in substance, was said?

A. When Brice drove back it was raining and he left his window of his car down a little bit. He looked in. He said, "Hello, there."

We talked. "I thought maybe you fellows out here was kind of watching the corners. You had quite a time down there this morning."

Russell said, "Is that so?"

(Testimony of George W. Bell.)

He said, "Yes."

Russell never heard anything about it. He didn't until he got here and heard about it.

"I thought maybe you would know something about it."

He said, "Doggone, I didn't know anything about that."

Then he went on and told, he told what he had heard, they had had trouble here in Corcoran that morning, some extent; didn't concern me. It wasn't my playhouse.

Mr. Mouritsen: May I have the question read back in its entirety.

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

Mr. Mouritsen: Thank you.

Q. (By Mr. Painter) Did Brice Sherman say whether or not he had been down to Corcoran that morning?

A. No, he was not. As I understand Brice—that is all I [2210] had—he had got this in Hanford.

Mr. Mouritsen (Interrupting): I object to this unless the witness states what was said.

Q. (By Mr. Painter) Just state whether he said that he hadn't been down here.

A. No, he had not.

Q. All right.

What did you do after that?

A. Well, Brice drove on away and Russell and

(Testimony of George W. Bell.)

I continued talking about a horse deal for a few moments. They stayed in their car. I got out and went home.

Q. Subsequently to this day did you have that horse taken over to your stables, after that day?

A. Yes. He was brought to the barn on the Thursday following.

Q. That would be February 2nd?

A. Yes, sir.

Mr. Painter: That is all. You may cross examine.

#### Cross Examination

Q. (By Mr. Mouritsen) Now, as I understand your testimony, Mr. Bell, you went to see Russell Slaybough on January 29th about this horse deal, is that correct?

Mr. Painter: Just a moment. That isn't a statement of his testimony.

Trial Examiner Lindsay: No, that is not his testimony. [2211] As I understand this testimony, Slaybough was down to his barn on the 29th.

The Witness: That is right.

Trial Examiner Lindsay: Let us be cautious about the testimony.

Q. (By Mr. Mouritsen) In any event, the first conversation you had with Slaybough about the horse was on the 29th of January, is that correct?

A. Yes, sir.

Q. And now what was the testimony in that regard, Mr. Bell? Did Mr. Slaybough come to you,

(Testimony of George W. Bell.)

come to see you, or did you come to see him about the horse?

A. He was over at the barns. Russell visited the barn. I sold him horses in the past; would visit back and forth. He was there. I brought this up to him, about making an exchange for Craig's horse for a horse that he had.

Q. In other words, he has been at your barn on a number of different occasions? A. Oh, yes.

Q. To see you about horses, is that correct?

A. Yes.

Q. Can you give us approximately how many occasions in the month of January 1939 he saw you about horses?

A. No, I don't know that I could.

Q. Well, was it as many as six or seven? [2212]

A. Well, people are dropping in there and Russell is in and out as well as others and rather than to keep an itemized account of every individual, I don't think I would be in a position to say. I wouldn't do it.

Q. In other words, he might have been there as many as——

A. (Interrupting) He could have been there a half a dozen times.

Q. Might have been there as many as fifteen different times?

Mr. Painter: I object to this as argumentative.

Mr. Mouritsen: Well now, Mr. Examiner——

Mr. Painter (Continuing): Asked and answered.

(Testimony of George W. Bell.)

Trial Examiner Lindsay: He may answer.

Mr. Painter: Would you read the question?

Mr. Mouritsen: I will repeat the question.

Q. He may have been there as many as fifteen, on fifteen different occasions during the month of January 1939?

A. Well, I wouldn't say he had been there that often. That would be every other day. I don't think he was there that often.

Q. But this occasion on the 29th of January 1939, you recall specifically, is that correct?

A. Yes, sir.

Q. Now, did he have a conversation with you at that time?

A. Oh, we talked about going over to the Craig ranch and looking at this horse. [2213]

Q. Was anyone else present, just you and Slaybough?

A. Oh, it is hardly possible there could have been at the time we had the conversation.

Q. Will you give us the substance of what Slaybough said to you and what you said to Slaybough on that occasion?

Mr. Painter: Objected to as incompetent, irrelevant and immaterial. This is on an entirely different track.

Mr. Mouritsen: It is to test the witness' recollection.

Trial Examiner Lindsay: He may answer.

The Witness: I asked him if he would be in-

(Testimony of George W. Bell.)

interested in disposing of his horse that I had in my barn at that time. He didn't know whether he would be or not and I told him Craig brothers would like to have the horse.

Q. (By Mr. Mouritsen) What did Slaybough say to that?

A. He said, "Well, I don't know." He said, "We think a lot of him."

"They have a nice horse over there and I think you might be able to make a deal whereby you could do yourself some good."

He wanted to know if I had seen the horse and I had and he was anxious then that I might go with him to look at the horse again, because if he got the horse he would expect me to help to dispose of it. That is when we made the arrangement to meet on Monday morning. [2214]

Q. And then you went down the next day, didn't you, after talking about the horse on the 29th, you went down the next day to see the horse, is that correct?

A. We went to the ranch Monday morning, yes, sir; the next Monday morning.

Q. And you have given us now all of the conversation that you recall as taking place on the 29th of January between yourself and Slaybough, is that correct? [2215] A. I would say so.

Mr. Mouritsen: May I have a moment, Mr. Examiner, please?

Trial Examiner Lindsay: Yes.



(Testimony of George W. Bell.)

(Conference between counsel.)

Q. (By Mr. Mouritsen) Now, Mr. Bell, Mr. Slaybough, on page 1657 of the transcript——

Mr. Clark (Interrupting) Just a moment, please.

Trial Examiner Lindsay: What page?

Mr. Mouritsen: 1657 of the transcript.

He testified——

Mr. Clark (Interrupting): Just a minute, please. What line, Mr. Mouritsen?

Mr. Mouritsen: Beginning at line 19, in answer to the question beginning on line 17, by Mr. Walsh.

“Q. Mr. Slaybough, did we fix the time at which you arrived at the Heiman ranch——”

And that is now, as I understand it, the Heinlen ranch. Isn't that correct?

A. I don't know how it is spelled.

Q. And then the answer was, beginning on line 19:

“No, we did not. I imagine that would be more or less difficult. I—the previous week I had made an appointment with Mr. Bell to meet him at Guernsey at 9:00 o'clock, as I remember, and it would take a half an hour or three-quarters of an hour, even possibly more than three-quarters of an hour [2216] to drive from the Heiman ranch.”

Now, Mr. Slaybough didn't make the appointment to go to the Heinlen ranch as much as a week in advance of the time that he spoke to you about it, did he?

(Testimony of George W. Bell.)

Mr. Painter: Just a moment. I will object to it as argumentative, incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: He may answer.

Mr. Painter: Furthermore, it is a mis-statement of the record because Sunday is the previous week.

Mr. Mouritsen: I am not quoting from the record at all. I am asking this witness a question.

The Witness: We could have talked about this as testified there. As I stated, he was there at different times. We could have talked, but as to making an absolute appointment, I rather think we made that on the day before we went over.

Q. Well, in other words, you might have had a conversation with Mr. Slaybough on some occasion other than January 29th, 1939, is that correct?

A. Well, I have stated that he was there at different times.

Q. And isn't it possible——

A. (Interrupting) Everybody that comes I try to visit. I don't want to mistreat anybody.

Q. Isn't it possible, Mr. Bell, that the conversation which you have described as taking place on January 29th, 1939, could have taken place at one of these prior occasions and some other [2217] day?

A. Well, I think I have it as I remember.

Mr. Clark: May I have that answer, please, Mr. Examiner?

Trial Examiner Lindsay: Yes.

(Testimony of George W. Bell.)

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Mouritsen) But it is possible, is it not, that January 29th, 1939, was not the date on which the conversation took place; it may have been some other day?

Mr. Painter: I will object to this as argumentative, asked and answered.

Trial Examiner Lindsay: He may answer.

Mr. Painter: May I have the question read back?

Trial Examiner Lindsay: Yes, read the question.

(The record referred to was read by the reporter, as set forth above.)

The Witness: (Pause.) Well, I could be mistaken.

Mr. Mouritsen: That is all.

#### Redirect Examination

Q. (By Mr. Painter) Have you any explanation that you want to add to that answer? Did you start to say something?

A. Other than this, that when Russel and I began our horse business—at different times we visited back and forth all along, and talked along horse lines, and I said a while ago that we may have talked about this prior to that one time, but [2218] only a short time, because the interest that Mr. Craig manifested for the Slaybough horse, so it couldn't have been a period of months or anything

(Testimony of George W. Bell.)

like that. It was just temporary and close to it.

Q. You have records, have you not, Mr. Bell, as to the date that the horse actually arrived there?

A. I do have, yes, sir.

Q. And it is by means of that, together with the meeting with Brice Sherman that you are able to fix the date?

Mr. Mouritsen: I object to this as leading and suggestive, improper redirect examination.

Trial Examiner Lindsay: You may reframe your question.

Q. (By Mr. Painter) Does that record assist you in fixing the date that you went over to the Heinlen ranch?

A. Yes, because of the arrangement that I made with Mr. Craig for the delivery of the horse or for the bringing over, you might say, of the horse to my place, and the horse was brought there on the 2nd of the month, and he is still in my possession, still in that barn.

Mr. Painter: That is all. Thank you.

Mr. Mouritsen: No further questions.

Trial Examiner Lindsay: I have one.

Do I understand that you have Slaybough's horse over there, too?

The Witness: Yes, sir. [2219]

Trial Examiner Lindsay: And what did you mean when you said "look at the horse again," in your direct testimony?

The Witness: What is that?

(Testimony of George W. Bell.)

Trial Examiner Lindsay: What did you mean when you said "look at the horse again," in your direct testimony, referring——

Mr. Painter (Interrupting): Just a moment.

Trial Examiner Lindsay (Continuing): Just a moment ——referring to your conversation with Mr. Slaybough at your barn?

Mr. Painter: I don't want your Honor to be mistaken about the testimony either. I think he asked Mr. Bell to look at the horse again in the way he testified on his direct examination.

Trial Examiner Lindsay: That is what I am asking him in my question.

Slaybough asked him again, so he stated on his direct testimony——

Mr. Painter (Interrupting): Asked Mr. Bell to look at the horse again.

Mr. Clark: Let us have it read back, Mr. Examiner, if there is any doubt about it.

Trial Examiner Lindsay: Just a moment, please.

My question is: What did you mean when you said that Mr. Slaybough asked you to look at the horse again?

Is that plain enough?

Mr. Painter: Yes. [2220]

Trial Examiner Lindsay: I am sure that is the way the question was.

The Witness: Well, I have been asked or called upon to look at horses, various horses, for different people when they had the thought in mind of mak-

(Testimony of George W. Bell.)

ing a purchase or obtaining title to the property, and it was because of that that I took it that Russel wanted me to look at this horse in behalf of him. I had no money invested in any way whatsoever.

Trial Examiner Lindsay: You didn't own the horse?

The Witness: No, sir, nor a hair on it.

Trial Examiner Lindsay: All right.

Did you mean by that that you and Russel Slaybough had seen the horse together before?

The Witness: No, I had.

Trial Examiner Lindsay: You had?

The Witness: But he had not.

Trial Examiner Lindsay: Oh.

The Witness: He may have, but I wouldn't know anything about it. He asked me to go and look at the horse again with him.

Trial Examiner Lindsay: I see. That is all.

Mr. Painter: That is all. Thank you, Mr. Bell.

(Witness excused.)

Mr. Painter: Mr. Degnan. [2221]

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J. H. DEGNAN

a witness called by and on behalf of the Respondent, Associated Farmers of Kings County, Inc., being first duly sworn, was examined and testified as follows:

Mr. Painter: Mr. Degnan, as well as the last two



(Testimony of J. H. Degnan.)

witnesses, were called on behalf of the Respondent, Associated Farmers.

Direct Examination

Q. (By Mr. Painter) Where do you live, Mr. Degnan? A. Hanford.

Q. What is your business?

A. I run a machinery and truck business.

Q. And where is your place of business?

A. 602 East Sixth Street, Hanford.

Q. Was your place of business located at that same place in January of this year?

A. Yes, sir.

Q. What is your—I will withdraw that question.

Were you acquainted with Brice Sherman in January of this year? A. Yes.

Q. Was he employed by you? A. Yes.

Q. Was he employed by you on the 30th of January? A. Yes.

Q. Of this year? [2222] A. Yes, sir.

Q. Do you recall, Mr. Degnan, hearing about an occurrence down here at Corcoran when certain pickets were asked to leave the Boswell plant?

A. Yes, I do.

Q. And with that date in mind, which has been fixed as January 30th, can you state whether you saw Brice Sherman on that date?

A. Yes, I did, because we hold our meetings—

Mr. Mouritsen (Interrupting): I object to this as a voluntary statement on the part of the witness,

(Testimony of J. H. Degnan.)

and not in answer to any question.

Trial Examiner Lindsay: The answer is Yes, is that right?

The Witness: That is right.

Mr. Painter: All right.

Q. When did you see him first on that day?

A. It was around 8:00 o'clock in the morning.

Q. And where did you see him?

A. In our office.

Q. And how long did he remain at your office that morning?

A. Well, that morning it was around noon anyway before he left there.

Q. And he was around the office during all the morning, then, between 8:00 o'clock and noon, is that correct? A. Yes. [2223]

Q. On that day did you hear anything about this incident down here?

A. Yes, I did. There were numerous farmers——

Mr. Mouritsen (Interrupting): I object to the voluntary statement of the witness as not responsive to the question.

Q. (By Mr. Painter) Did you hear that certain men had asked the pickets to leave the Boswell plant? A. Yes.

Q. On that day?

And on that whole morning, then, Brice Sherman was working for you in your establishment, is that correct? A. Yes.

Mr. Painter: That is all.

(Testimony of J. H. Degnan.)

Q. Where is your office located?

A. 602 East Sixth Street, Hanford.

Mr. Painter: That is all.

Cross Examination

Q. (By Mr. Mouritsen) Now, in response to Mr. Painter's question, which is somewhat ambiguous as to whether you heard about the incident on that day, can you clear that up as to whether you did, as the day when you did hear about the incident at Corcoran?

Mr. Painter: Just a moment. I strike out this remark about ambiguous questions and request that Mr. Mouritsen be directed to reframe his question. [2224]

Mr. Mouritsen: I will ask to have the question re-read. It was ambiguous to me. I couldn't determine whether he meant on which day the witness heard, or which day the incident occurred.

Trial Examiner Lindsay: Read the question.

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: He may answer that question.

The Witness: Will you repeat that question once more, please?

Mr. Mouritsen: I will reframe it.

Q. Can you fix that definitely as to whether you heard that the men were run out on that day, or that they left on that day, or that you heard about it on that day?

A. Yes, I can.

(Testimony of J. H. Degnan.)

Q. Well, now, would you please indicate what the true situation in that respect is?

A. What do you mean by that question?

Q. Well, when did you hear about—strike that.

When did you—on what date was it that you understood that these pickets were requested to leave the plant?

Mr. Painter: I will object to that as incompetent, irrelevant and immaterial, beyond the scope of the direct examination. He hasn't testified any date except by an incident.

Trial Examiner Lindsay: He may answer, if he knows. [2225]

The Witness: Will you repeat that question once more?

Mr. Mouritsen: Read the question.

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: It was on a Monday morning, on the end of January.

Q. (By Mr. Mouritsen) And that was—it was on a Monday morning that you understood they were requested to leave the plant?

A. That is correct.

Q. When did you learn about that incident?

A. Oh, it was late in the morning sometime—a farmer came in there and gave us the information. There was considerable talk at all times regarding

(Testimony of J. H. Degnan.)

it at Hanford. That was why I was particularly interested in the episode that was happening here amongst the farmers and business men of Hanford.

Q. He came in in the morning, did you say?

A. That is right.

Mr. Painter: He said in the late morning.

Mr. Mouritsen: I will ask the witness.

Mr. Painter: I have the right to have the record properly stated.

Trial Examiner Lindsay: Just a minute. Just watch the testimony. Let's understand one thing: Proceed in an orderly [2226] manner.

Mr. Mouritsen: May I have the question read?

Trial Examiner Lindsay: Yes. Read the question.

(The question referred to was read by the reporter, as set forth above.) [2227]

The Witness: In the late morning I said.

Q. (By Mr. Mouritsen) And do you recall who it was?

A. No, I don't. I didn't particularly say one individual, either.

Q. Well, I am sorry. I thought you said a farmer came in and told you about it in the late morning. Is that an incorrect statement of your testimony? A. That is.

Q. And you don't recall having made that statement at all, is that correct?

A. I recall making that statement, but it is incorrect. I didn't say it was one individual farmer.

(Testimony of J. H. Degnan.)

There were numerous farmers in the place of business at the time and there was a discussion at that time that the pickets had been dispersed at Boswell's. I couldn't identify the individual that brought it in, but it was gossip or talk at that time in the place of business that that was what happened.

Q. How do you fix the date on which you heard that discussion about the dispersal of the pickets?

A. In other words, on a Monday morning it happened, which I can easily identify, because I was very much interested in the particular case; and it was the end of the month for us ordinarily, when we always have our men in there. Mr. Sherman was there that morning, and naturally he, being from Corcoran here, he was interested in the particular outcome [2228] of this case here. That is how I happened to remember it at that time and, of course, I heard reports over the radio and newspapers which—we don't have those episodes very often here in this country and this is a case that I remember.

Mr. Mouritsen: Nothing further.

Trial Examiner Lindsay: Any other questions?

Mr. Painter: You gave us the address of your office. Is that in Hanford?

The Witness: It is in Hanford, yes.

Mr. Painter: That is all. Thank you very much.

(Witness excused.)

Mr. Painter: Mr. Mackey.



JOSEPH ALEXANDER MACKEY,

called as a witness by and on behalf of the Associated Farmers of Kings County, Inc., having been first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Painter) What is your name, Mr. Mackey? A. Joe Alexander Mackey.

Q. What is your address, Mr. Mackey?

A. Route 1, Corcoran.

Q. What is your business? A. Farming.

Q. Now, were you farming in January of this year? [2229] A. Yes, sir.

Q. Are you a member of the Associated Farmers? A. I am.

Q. Were you present at the Boswell gin on January 30th, the morning of January 30th, when certain pickets were asked to leave?

A. No, sir.

Q. Did you know anything about it before it occurred? A. I did not.

Q. Where were you on that occasion?

A. I was out on the ranches some place.

Q. Did you go out to Salyer's in the morning before that occurred? A. No, sir.

Mr. Painter: That is all.

Mr. Mouritsen: No questions.

Mr. Clark: May I ask a further question, Mr. Examiner?

Trial Examiner Lindsay: Yes.

(Testimony of Joseph Alexander Mackey.)

Mr. Clark: Have you ever been down at the plant there on any occasion where a crowd gathered to disperse the pickets?

The Witness: I have not.

Mr. Mouritsen: There is one question, if I may.

Cross Examination

Q. (By Mr. Mouritsen) Were you present at a barbecue at [2230] Salyer's ranch that night?

A. I was.

Q. You were there? A. Yes.

Q. How were you notified of that barbecue?

A. Mr. Riley notified me.

Q. Mr. who? A. Riley.

Q. Mr. Forrest Riley?

A. Mr. Forrest Riley.

Q. Do you recall when he told you about that?

A. No, I don't recall the exact time.

Q. Could you fix the date? Was it the day before the barbecue occurred?

A. No, it was the day of the barbecue. I waited tables that night.

Mr. Clark: May I have the last answer there, please?

Trial Examiner Lindsay: "I waited tables that night." Is that your answer?

The Witness: Yes.

Q. (By Mr. Mouritsen) Do you recall where you were when Forrest Riley told you of the barbecue?

A. No, I don't. I don't recall where I was.

(Testimony of Joseph Alexander Mackey.)

Q. And I believe you stated that it was the day that the barbecue occurred that he spoke to you about it? Is that correct? [2231] A. Yes.

Q. And you recall that Forrest Riley told you, but you don't recall where he told you?

A. No.

Q. Do you recall whether anyone else was present there when he told you that?

A. No, I don't.

Q. Do you recall—strike that.

What did he say to you about the barbecue?

Mr. Painter: I object to this as incompetent, irrelevant and immaterial, and hearsay as to all respondents.

Trial Examiner Lindsay: He may answer.

The Witness: He told me to go down there and help out.

Q. (By Mr. Mouritsen) Well, did he say anything further than that?

A. That is all. That is all I recall.

Q. Do you work for Mr. Riley?

A. Yes, sir.

Q. Did you understand that you were to go down and wait on tables when he told you to go down and help out? A. No.

Q. Now, you were present—strike that.

Were you present when there were any speakers made talks?

A. I beg your pardon?

Q. Were you present during any speeches that took place [2232] at that barbecue?

(Testimony of Joseph Alexander Mackey.)

A. I waited tables.

Q. Did you hear any of the speakers talk at that barbecue?

A. I don't remember. I was in and out. I was in and out of the dining room and the tables.

Q. They did have speakers, is that correct?

A. Yes.

Q. And do you recall whether a man named Harry Lee Martin was there that night as a speaker?

A. I couldn't swear to it. I don't remember.

Mr. Mouritsen: I think that is all.

Mr. Painter: Mr. Mackey, you own your own ranch in addition to working for Mr. Riley, is that correct?

The Witness: Yes, sir.

Mr. Painter: That is all.

One further question.

Do you recall whether or not you heard about this barbecue in the morning or afternoon?

The Witness: I believe it was in the afternoon.

Mr. Painter: That is all.

Thank you.

Mr. Mouritsen: Is there anything that occurred to refresh your recollection in between the time I asked you when you were notified about it and——

Mr. Painter (Interrupting): I object to this question. [2233] He wasn't asked whether it was morning or afternoon.

Mr. Mouritsen: I will submit it.

(Testimony of Joseph Alexander Mackey.)

Trial Examiner Lindsay: You may answer.

Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: No, I believe not.

Mr. Mouritsen: Nothing further.

Mr. Painter: That is all. Thank you.

(Witness excused.)

Mr. Painter: Mr. Clark.

Trial Examiner Lindsay: Off the record.

(Here followed discussion outside the record.)

Trial Examiner Lindsay: On the record.

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CASSIUS C. CLARK,

called as a witness by and on behalf of the Kings County Associated Farmers, Inc., having been first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Painter) What is your full name, Mr. Clark.

A. Cassius C. Clark.

Q. And where do you live? A. Hanford.

Q. In what business are you engaged? [2234]

A. Salesman for the Cousins Tractor Company.

Q. And out of which office do you operate?

(Testimony of Cassius C. Clark.)

A. I operate out of the Hanford office, and also the Corcoran office.

Q. I see.

Are you a member of the Associated Farmers?

A. No.

Q. Were you present at any time at the Boswell gin when certain pickets were asked by a group of men to leave? A. No.

Q. Did you know about any such plan before it occurred? A. No.

Q. When did you first learn about it?

A. I judge it would be about 9:30 in the morning after I saw cars coming back and asked—I should say cars going by our place of business—and I asked somebody what it was all about and that was the first time I knew about it.

Q. Were they going toward the gin or coming away from the gin?

A. They were coming away from the gin.

Q. And that was the first you heard of it?

A. Yes, sir.

Mr. Painter: That is all.

One further question.

Q. Where were you when you saw those cars? [2235]

A. In our place of business in Corcoran.

Q. Who was with you, if anyone?

A. Mr. Pineal who works for our company.

Q. Where is the place of business located?

A. I believe the correct address is 832 Whiteley Avenue, Corcoran.



(Testimony of Cassius C. Clark.)

Q. Is that the main street in Corcoran?

A. Yes, sir.

Mr. Painter: That is all.

Cross Examination

Q. (By Mr. Mouritsen) Can you tell us where on Whiteley Avenue your business is? the office is located?

A. Yes, I can give you it exactly.

Q. Now, I mean with reference—you see, the address means nothing for the record.

You tell us where it is with reference to the railroad tracks of the Santa Fe Railroad.

A. It is west of the Santa Fe Railroad tracks.

Q. And about how far west?

A. I would judge about——

Mr. Painter (Interrupting): You mean from the tracks or the road?

The Witness: From the tracks, you mean?

Mr. Mouritsen: Yes.

The Witness: About 300 feet, I would judge. [2236]

Q. (By Mr. Mouritsen) Now, which side of the street is it on? Is it on the side of the street where the Hotel Corcoran is or on the side where the station is?

A. It is on the north side of the street.

Q. And that is the side on which the station is, isn't it?

A. Where the station is—yes, sir.

Q. Then first there is the station and then there

(Testimony of Cassius C. Clark.)

is a service station on the corner. That is the next building next to the station, isn't it?

A. There is an intersection of the road there.

Q. That is correct.

And there is a gas station?

A. Yes, there is a gasoline pump there.

Q. Then how many more buildings are there between the corner and the place where you were on this morning?

A. The gasoline station which you refer to is part of the building on the corner and then the next building is Squire's garage, and then the next building is ours.

Q. And how many more buildings are there between your place and the corner going toward the west, I believe, away from the station?

A. I believe there is one, and another service station.

Q. Now, how is your place of business, the place where you were on this morning—where is that with reference to the Hotel Corcoran? [2237]

A. Well, it isn't quite directly across the road. It would be in a westerly—a little west.

Q. As much as 30 feet west of the Hotel Corcoran?

A. 30 to 50 feet. I think there is the width of a lot. I am not sure.

Q. Isn't the hotel Corcoran almost directly between the place where you were on this morning and the Boswell gin?      A. That is correct.

(Testimony of Cassius C. Clark.)

Q. And you still state that you saw them coming from the gin on that morning, these cars?

Mr. Painter: Just a moment, your Honor. I object to this. It is a misstatement of the record. I asked him whether they were coming in a direction from the gin or toward the gin.

Trial Examiner Lindsay: That is right. You did ask him that.

You may answer that.

Read the question.

(The question referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: I am sorry. That is a misstatement.

Change your question.

Q. (By Mr. Mouritsen) Didn't you testify that you saw them coming from the gin on the morning in question, the cars coming [2238] from the gin?

A. From the direction of the gin I believe it was I testified.

Mr. Mouritsen: That is all.

Mr. Painter: In other words, what direction were the cars going when you saw them?

The Witness: The cars were going when I first noticed them—were going north and they turned and went west on Whitley Avenue.

Mr. Painter: That is all.

Thank you very much, Mr. Clark.

Mr. Mouritsen: No further questions.

(Witness excused.)

Trial Examiner Lindsay: Off the record.

(Here followed discussion off the record.)

Trial Examiner Lindsay: On the record.

We will adjourn until 8:00 o'clock in the morning.

(Whereupon, at 4:15 o'clock p. m., an adjournment was taken until 8:00 o'clock a. m., Saturday, June 10, 1939.) [2239]

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American Legion Hall  
Corcoran, California

Saturday, June 10, 1939.  
8:00 o'Clock a.m. [2240]

### PROCEEDINGS

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: Respondents are ready.

Mr. Mouritsen: Ready for the Board.

Mr. Painter: Mr. Case.

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### JOHN ARTHUR CASE

a witness called by and on behalf of the Respondent, Associated Farmers of Kings County, Inc., being first duly sworn, was examined and testified as follows:

(Testimony of John Arthur Case.)

Direct Examination

Q. (By Mr. Painter) What is your full name?

A. John Arthur Case.

Q. Where do you live, Mr. Case?

A. 1524 Wigdall Avenue, Corcoran.

Q. What is your business?

A. Civil engineer.

Q. What is that? A. Civil engineer.

Q. And by whom are you employed?

A. J. G. Boswell Company.

Q. Were you employed by that Company in January of this year? A. I was.

Q. Are you acquainted with Mr. Hubbard, Mr. J. W. Hubbard? A. I am.

Q. Is he also employed by that Company? [2242] A. He is.

Q. And were you acquainted with him on January 30th of this year? A. I was.

Q. Do you recall, Mr. Case—I will withdraw that question.

Were you in the office of the J. G. Boswell Company on the day that a group of men came up and asked the pickets to leave? A. I was.

Q. Will you tell me where your office is located in the administration building?

A. The engineer's office is in the Northeast corner of the administration building.

Q. Is that the same office as is sometimes referred to as Gordon Hammond's office?

A. That is correct.

(Testimony of John Arthur Case.)

Q. And you work there? A. I do.

Q. Will you tell us where you were when these men came up that day?

A. In the office. There are three windows facing the north. I was working at the drafting table that faces the left window or west window of the three.

Q. I see.

And your desk, then is right in front of some windows there [2243] on the north side?

A. No. My desk is on the south side of the room but the drafting table is on the north.

Q. You were on the north?

A. I was on the north side.

Q. Did you see Mr. Hubbard that morning?

A. I did.

Q. Did you see him around the plant, around the office any time before these men arrived?

A. I did.

Q. Did you——

Mr. Mouritsen (Interrupting): "These men" refer to the——

Mr. Painter (Interrupting): I will straighten that up.

Q. Did you see him around the office at any time before the men came and asked the pickets to leave? A. I did.

Q. Did you see him at any time while the men that I have referred to, who were asking the pickets to leave, were there? A. Yes.



(Testimony of John Arthur Case.)

Q. Where did you see Mr. Hubbard?

A. Mr. Hubbard was in the same room that I was. [2244]

Q. And what was he doing in there?

A. Before—state your question again, please.

Q. All right. I will withdraw that question.

Where was he in this room that you were in?

A. When?

Q. Well, let me ask you this: When did Mr. Hubbard come in that room?

A. Mr. Hubbard came in that room at the time the group of men and automobiles arrived at the plant.

Q. And how long did he stay in the room with you?

A. Stayed in the room until the automobiles with these various people *in* disbanded.

Q. And what were you doing yourself during that time?

A. I was watching the crowd outside.

Q. What was Mr. Hubbard doing?

A. Watching the crowd.

Mr. Painter: That is all.

One further question I would ask you.

Q. At any time while those men were out there asking the pickets to leave did you see Mr. Hubbard leave the building? A. I did not.

Q. Was he with you during all that time?

A. He was with me.

Mr. Painter: That is all. [2245]

(Testimony of John Arthur Case.)

Cross Examination

Q. (By Mr. Mouritsen) What type of work do you do for the Boswell Company, Mr. Chase?

A. Case.

Q. Do you spell that C-a-s-e?

A. C-a-s-e.

I prepare and take measurements of all water delivered to the Boswell Company from the People's Canal through the Malga Canal.

Q. How do you spell the name of the canal?

A. M-a-l-g-a Canal.

Those reports were prepared by me.

I also prepare estimates and supervise installation of pumps and other engineering data that is required.

Q. Now, was it your testimony that you observed these cars on this particular morning in question from the time they drove up until the time they drove away? A. Yes.

Q. Now, will you tell us where those cars parked when they came up? Did they all park in the road?

A. No. [2246]

Q. Did they surround the—strike that.

Wasn't the picket car on that morning parked down near the scale house of the Boswell Company?

A. That is correct.

Q. And in the immediate vicinity of that house there is a telephone pole, isn't that correct?

A. That is correct.

(Testimony of John Arthur Case.)

Q. Now, did the cars that surrounded the pickets surround the scale house?

A. They were on both sides of the scale house.

Q. And by that, you mean——

A. (Interrupting): East and west.

Q. East and west of the scale house?

A. East and west of the scale house.

Q. And the scale house, of course, is on the property of the J. G. Boswell Company, isn't it?

A. That is correct.

Q. Now, approximately how many of the cars parked west of the scale house?

A. That I couldn't say.

Q. Could you give us your best estimate of it?

A. Well, I would say approximately a third of them.

Q. And approximately how many cars were there on that morning? Just your best recollection. I don't want any exact figures. [2247]

A. I would say between fifty and sixty. I don't know.

Q. And about fifteen or twenty of them parked to the west of the scale house on the Boswell property, is that correct?

A. That is my best recollection.

Q. Mr. Case, how long have you lived in Corcoran?

A. A year and nine months, approximately.

Q. And during that time, have you become acquainted with a number of the people who do business with Boswell?

A. I have.

(Testimony of John Arthur Case.)

Q. Now, on that morning, let me ask you if you recognized any of those people in the picket car—in the cars that came up around the picket car? A. Yes.

Q. Would you give us the names of as many of those people as you can recall?

A. Lloyd Liggett, Forrest Riley, Bob Wilbur, very definitely, Robert Wilbur.

Mr. Clark: I see. Robert Wilbur you can definitely identify?

Mr. Mouritsen: Didn't your statement apply to all of those, that you could very definitely identify Lloyd Liggett as well?

The Witness: Yes, sir.

Q. (By Mr. Mouritsen) Is that all of the names that you can recall—of people that you can recall having seen on that [2248] morning?

A. At this time, yes.

Q. Did you see Mr. Lloyd Liggett's car drive up in front of the picket car that morning?

A. Yes.

Q. And you saw Mr. Liggett get out of his car and go talk to the pickets, is that correct?

A. Yes.

Q. Did you see anyone else talk to the pickets?

A. Forrest Riley and Robert Wilbur.

Q. On that morning did you see a second car drive up—I mean after the first—or after this group of men had driven up, did you some time later, maybe ten or fifteen minutes later, see another car drive up into the crowd?

(Testimony of John Arthur Case.)

A. Not that I recall.

Q. Now, what was—I believe you stated that Mr. Hubbard was in the office with you all of the time that morning while you saw these men drive up and then leave, is that correct?

A. You mean when the men left?

Q. No.

When they first arrived, this group of men and cars first arrived, that he was with you then, is that correct?      A. Yes.

Q. And he was also with you when that group of cars and men left, is that correct? [2249]

A. That is correct.

Q. Now, you were watching this all of the time while the incident occurred, is that correct?

A. That is right.

Q. And Mr. Hubbard was also watching it all of the time while it occurred, is that correct?

A. That is right. [2250]

Q. Now, you are very certain about that, aren't you, Mr. Case?      A. Yes, sir.

Q. That Mr. Hubbard was watching them all the time?

A. Mr. Hubbard was in the room at the same time.

Q. Well now, didn't Mr. Hubbard watch those cars arrive with you? Weren't you both standing at the window by your drawing board?

A. Yes.

Mr. Mouritsen: I will direct counsel's attention to page 1807 of the official transcript.

(Testimony of John Arthur Case.)

Mr. Clark: What volume is that?

Mr. Mouritsen: Volume 13 on June 5, 1939.

Mr. Clark: 1870?

Mr. Mouritsen: 1807.

Mr. Clark: Oh. What line, please?

Mr. Mouritsen: Beginning with line 12. The question, I believe, was by Mr. Walsh.

Mr. Clark: Suppose you read the four or five questions and answers just immediately preceding that and you will have the whole incident, Mr. Mouritsen, commencing at line 5, "Were you one of the number of people"——

Q. (By Mr. Mouritsen) Now this, Mr. Case, is the testimony that Mr. Hubbard gave regarding this incident. First let me ask you, have you talked with Mr. Hubbard about his tes- [2251] timony on the stand since he appeared?      A. No.

Q. You are sure of that, is that correct?

A. Absolutely.

Q. And can you explain how it is that you happen to be testifying at this time?

Mr. Clark: Objected to upon the ground it is incompetent, irrelevant and immaterial; and also calls for matters which are not germane to the issues of this case. I take it the witness can be asked who talked to him, but he has answered the question as to whether or not he talked to Mr. Hubbard. The question is argumentative, "Will you explain how you happened to be testifying in this case."



(Testimony of John Arthur Case.)

Trial Examiner Lindsay: He may answer.

The Witness: State your question again, please.

Trial Examiner Lindsay: Read the question, Mr. Reporter.

(The record referred to was read by the reporter, as set forth above.)

The Witness: At the request of Mr. Painter.

Mr. Clark: May I have that answer?

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Mouritsen) Now I will direct your attention to the testimony of Mr. Hubbard regarding this incident beginning—I will read from the transcript on page 1807 beginning [2252] at line 5.

This is a question by Mr. Walsh: “Were you one of the number of people who were at the Boswell gin late—or in the morning of that day?”

The answer by Mr. Hubbard, “I was there working.”

Question by Mr. Walsh, “In the Boswell office——”

Mr. Clark (Interrupting): “In the Boswell plant.”

Mr. Mouritsen: Pardon me. I accept the correction.

And the answer was, by Mr. Hubbard, “In the office.”

Question by Mr. Walsh, “In the office?”

And the answer by Mr. Hubbard was “Yes.”

(Testimony of John Arthur Case.)

The question by Mr. Walsh was, "Did you see this group of people gather?"

I think it is clear from the context that Mr. Walsh referred to the group of men who requested the pickets to leave, isn't that true, Mr. Clark?

Mr. Clark: Well, the record shows he referred to the gathering outside the plant.

Mr. Mouritsen: And the answer by Mr. Hubbard was, "I saw them while they were there, just a short time before they left, through the window from the office."

The question by Mr. Walsh, "Did you leave the office?"

The answer by Mr. Hubbard, "No, I did not."

"Q. Did you—you did not go out and mingle with the group, is that right?" [2253]

"A. I did not leave the building.

"Q. Did you see what was happening out there in the street?"

And the answer by Mr. Hubbard, "Just as I looked out the window the picket car was driving away."

The question by Mr. Walsh, "Had you *see* the group of people in their automobiles drive up to the picket car?"

The answer by Mr. Hubbard, "I didn't see them arrive, no, sir. I was working. I heard a noise and I looked out the window to see what it was about. I saw the picket car just driving away."

Mr. Clark: Will you read the next question and answer, please?

(Testimony of John Arthur Case.)

Mr. Mouritsen: Certainly.

Question by Mr. Walsh, "Did you see more than one car containing pickets?"

"A. I did not."

I think that is all.

Mr. Painter: What is the question. [2254]

Mr. Clark: What is the question? I move to strike out counsel's reference to the record.

Mr. Mouritsen: I will ask you then, Mr. Case, whether or not Mr. Hubbard was telling the truth when he made those—when he so testified?

The Witness: I suppose he was.

Q. (By Mr. Mouritsen) Well, then — now, wasn't your testimony to the effect that he was standing with you at the window during the entire course of this incident when the men arrived and when the cars arrived and when they left?

A. Yes.

Q. And didn't you understand that Mr. Hubbard's testimony was to the effect that he just saw the incident as the picketing car drove away?

A. That is correct.

Mr. Clark: May I have that read back, Mr. Examiner?

(The record referred to was read by the reporter, as set forth above.)

Mr. Painter: I will object to that—would you read that again?

Mr. Mouritsen: Upon what ground?

(Testimony of John Arthur Case.)

Mr. Clark: It calls for a conclusion of this witness as to the testimony which is in the record and which was read to him. That is the ground. In other words, the testimony of Mr. Hubbard is in the record and it isn't the province of [2255] this witness to pass upon it, but it is the province of the Examiner to pass upon it.

Mr. Mouritsen: I was merely following a line of cross examination that counsel had previously used.

Mr. Clark: I never have asked a question like that in this entire hearing.

Trial Examiner Lindsay: Wait a minute. We won't argue about that. The record will show whether you have or have not.

Mr. Clark: Of course.

Trial Examiner Lindsay: This is not a jury trial.

Now, the answer is in and your objection comes too late. If you want a motion to strike—if you do I will rule on it.

Mr. Painter: May I have the question and answer read back, Mr. Examiner?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: We move to strike upon the ground it calls for a conclusion of this witness, and asks for a decision by him upon a matter which is solely in the province of this Court to pass on, that is, the

(Testimony of John Arthur Case.)

meaning of Mr. Hubbard's testimony. The testimony speaks for itself.

Trial Examiner Lindsay: Your motion is denied.

Mr. Mouritsen: I think that is all. [2256]

Redirect Examination

Q. (By Mr. Painter) Mr. Case, what first attracted your attention to this incident?

A. A long line of cars coming down from the Ellett gin.

Q. Did you hear any noise?

A. No, I heard no noise. The window was closed.

Q. Was Mr. Hubbard in your office at the time that your attention was first attracted?

Mr. Mouritsen: I will object to this upon the ground it is an attempt to impeach his own witness.

Mr. Painter: Oh, that is all. I withdraw the question. That is all.

Trial Examiner Lindsay: I have just one question.

Q. What other officials of the Company, or representatives of the Company, did you see around the plant that morning?

Mr. Clark: Just one moment, Mr. Examiner. I am going to object to the form of that question upon the ground that it calls for a conclusion of this witness as to who an official representative of this Company is.

(Testimony of John Arthur Case.)

Trial Examiner Lindsay: I will withdraw the question.

Mr. Clark: That is a matter of proof.

Q. (By Trial Examiner Lindsay) Do you know who the officers of the Boswell Company are?

A. The officers?

Q. Yes, who are here in Corcoran? [2257]

A. Mr. Robinson, Mr. Bill Boswell.

Q. Any others?

A. Officers of the Company?

Mr. Clark: May I have Mr. Robinson identified? There are several persons by that name.

The Witness: Mr. L. T. Robinson.

Q. (By Trial Examiner Lindsay) Do you know Gordon Hammond? A. I do.

Q. Did you see him that morning?

A. I don't remember that I did.

Q. And do you know Kelly Hammond?

A. Kelly Hammond?

Q. Yes. A. No.

Q. Do you know Joe Hammond? A. Yes.

Q. Did you see him that morning?

A. No.

Q. What was the other Robinson's name?

Mr. Clark: Bill Robinson has appeared in the record.

Trial Examiner Lindsay: Yes.

The Witness: I did not see him.

Q. (By Trial Examiner Lindsay) Was there



(Testimony of John Arthur Case.)

anyone else in the office with you there that morning?

A. At the time the incident occurred? [2258]

Q. Yes.

A. During the course of the incident there was Mrs. Irma Crow——

Mr. Clark (Interrupting): May I have the people identified as their names are given, Mr. Examiner?

The Witness: Who is a stenographer; Bernadine Sickie, a stenographer, and Guy Crow, in charge of loans, at various times came into the office, into my office.

Q. (By Trial Examiner Lindsay) Into your office? A. Yes.

Q. What did they do when they came in?

A. They stood and looked out the window.

Q. All looking out the window, then?

A. (Nodding head affirmatively.)

Trial Examiner Lindsay: That is all.

Mr. Painter: That is all. Thank you.

(Witness excused.) [2259]

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Mr. Painter: Mr. Baihly.

MOSES DANIEL BAIHLY

called as a witness by and on behalf of the Associated Farmers of Kings County, Inc., having been first duly sworn, was examined and testified as follows:

(Testimony of Moses Daniel Baihly.)

Direct Examination

Q. (By Mr. Painter) What is your full name, please? A. Moses Daniel Baihly.

Q. And where do you live, Mr. Baihly?

A. I live about two miles north and a mile and a half east of Corcoran.

Q. What is your business? A. Farmer.

Q. Are you a member of the Associated Farmers of Kings County? A. Yes, sir.

Q. Were you a member during the month of January of this year? A. Yes, sir.

Q. Were you present at the Boswell gin on the morning that a group of men came up and asked the pickets to leave? A. I was not.

Q. Did you know anything about any plan to ask the pickets to leave? A. I did not. [2260]

Q. Where did you first hear that such an incident had occurred? A. In the afternoon.

Q. Had you been to the ranch of Mr. Salyer in the morning before that incident occurred?

A. No, sir.

Q. Did you attend any barbecue in the evening of the day that that occurred? A. No, sir.

Q. Do you know, Mr. Baihly, of anyone by the name of Ronald Bailey? A. I do not.

Q. Or Roland Bailey? A. No, sir.

Mr. Painter: That is all.

Cross Examination

Q. (By Mr. Mouritsen) How do you spell your name, your last name? A. B-a-i-h-l-y.

(Testimony of Moses Daniel Baihly.)

Q. Have you ever gone by the name of Roland or Ronald Bailey?      A. No, sir.

Q. What is your middle initial or name?

A. Daniel.

Mr. Mouritsen: Nothing further. [2261]

Mr. Painter: That is all.

Mr. Mouritsen: Just one question. Could we recall Mr. Baihly?

Trial Examiner Lindsay: Mr. Baihly, right up here.

Q. (By Mr. Mouritsen) Were you present at your home here during the month of January 1939 or were you out of Corcoran away from your home during that period?

A. What particular date?

Q. During the month of January 1939.

Mr. Painter: You mean was he living here in Corcoran at the time?

Mr. Mouritsen: I think the question is perfectly clear as to whether he was present at that time.

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: Why, I was here.

Q. (By Mr. Mouritsen) You don't have any recollection of being absent from your home, from Corcoran, for an extended period during the month of January 1939?

A. No, I wasn't for an extended period.

Mr. Mouritsen: I think that is all.

(Testimony of Moses Daniel Baihly.)

Mr. Painter: Mr. Baihly, you were carrying on your farming operation during that month here in Corcoran, weren't you?

The Witness: Yes, sir. [2262]

Mr. Painter: That is all. Thank you.

Trial Examiner Lindsay: That is all.

(Witness excused.)

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Mr. Painter: Mr. Botts.

### HAROLD E. BOTTS

called as a witness by and on behalf of the Associated Farmers of Kings County, Inc., having been previously duly sworn, was examined and testified further as follows:

#### Direct Examination

Q. (By Mr. Painter) You are Harold E. Botts, are you not?      A. Yes, sir.

Q. You have been sworn in this proceeding?

A. Yes.

Q. Mr. Botts, I want to show you Board's Exhibit 11(a) which is a list of the members of the Associated Farmers of Kings County showing members of that organization on January 30th and also showing the members after January 30th. Now, I would like to ask you a few questions regarding the members of your organization or whether certain people are members.

(Testimony of Harold E. Botts.)

Is Roy Filcher a member of the Associated Farmers of Kings County?           A. No, sir.

Q. Has he ever been a member?

A. No, sir. [2263]

Q. Is Bob Wilbur a member?           A. No, sir.

Q. Has he ever been a member?

A. No, sir.

Q. Of the organization?           A. No, sir.

Q. Is Bill Wilbur a member of the Associated Farmers of Kings County?

A. No, I do not believe he is. I will check it if you want.

(Witness examines the document.)

The Witness: Bill Wilbur is not a member.

Q. (By Mr. Painter) Has he ever been a member?           A. No, sir.

Q. Is a man by the name of Heneckie a member of that organization?

A. To my recollection, no.

Q. You know he is not, is that correct?

A. Yes.

Mr. Clark: Let's check it from the list. Let's have it from the membership list rather than his recollection.

The Witness (Examining document): No, sir; he is not a member.

Q. (By Mr. Painter) I am referring to the person that has been called here Red Heneckie.

A. Reid Heneckie. [2264]

Q. Reid?           A. Reid.

(Testimony of Harold E. Botts.)

Q. You know him, do you?

A. Yes, sir. [2265]

Q. Is Beale Hanson a member?

A. The name is not familiar to me.

Q. Will you look at your list and see if Beale Hanson is a member of the Associated Farmers?

A. How do you spell the first name?

Mr. Clark: B-e-a-l-e.

The Witness (Examining document): No, sir, Beale Hanson is not a member.

Q. (By Mr. Painter) Do you have a member by the name of Willis?

A. (Examining document) No, sir. There is no man by the name of Willis is a member.

Q. Is Gerald Snyders a member of the Associated Farmers of Kings County?

A. Again my recollection is no. I don't recollect the name.

Q. Will you check it to be sure?

A. (Examining document) Snyders?

Q. Yes.

A. (Examining document) No, sir, there is no such member by that name.

Q. Now, referring to those men I have just mentioned, namely Gerald Snyders, Reid Heneckie, Beale Hanson and Mr. Willis, have they ever been members of the organization? A. No, sir.

Q. Is Clyde Nunley a member of the Associated Farmers of [2266] Kings County?

A. (Examining document) No, sir, he is not.



(Testimony of Harold E. Botts.)

Q. Has he ever been a member?

A. No, sir.

Q. Now, I would like for you to look on the list and find out whether Raymond Gilkey was a member of the Associated Farmers of Kings County on January 30th of this year?

A. (Examining document) No, Raymond Gilkey became a member of the Associated Farmers after January 30th, or the month of February.

Q. All right.

Now, will you look at your list and see if Clifford Hammond was a member of the Associated Farmers of Kings County on January 30th?

A. (Examining document) Clifford Hammond joined the Associated Farmers following January 30th. He was not a member on that date.

Q. At some time after January 30th, is that correct?

A. Yes, sir.

Q. Will you check the list to determine whether Garland Salyer was a member of the Associated Farmers of Kings County on January 30th?

A. (Examining document) This list shows that Garland Salyer joined the Associated Farmers after January 30th.

Q. Now, will you also check your list to determine whether [2267] Slim Jones—incidentally, do you know Slim Jones?

A. Yes, I know him.

Q. Do you know what his real name is?

A. I probably do, but I can't recall it right now. He is known as "Slim."

(Testimony of Harold E. Botts.)

Q. Will you look and see whether he joined before or after January 30th?

A. (Examining document) He joined after January 30th.

Q. Mr. Botts, are there any other organizations or farm organizations, agricultural organizations, active around this locality?

A. Well, there is the Farm Bureau.

Q. Farm Bureau.

Are you a member of the Farm Bureau, Mr. Botts?

A. Yes, sir.

Mr. Mouritsen: Objected to as incompetent, irrelevant and immaterial, and if there was an answer, I move it go out for the purpose of interposing an objection.

Mr. Painter: I think it is perfectly pertinent, your Honor, to show what agricultural organizations there are around this community. There has been no tie-in with the Associated Farmers here, and we would like the privilege of showing that a large percentage of farmers belong to other organizations of a similar nature.

Mr. Mouritsen: I submit, Mr. Examiner, if Mr. Painter is [2268] going to testify, he be sworn.

Mr. Painter: I can make my statement. I think that comment is entirely uncalled for.

Trial Examiner Lindsay: The answer may go out. We are not really interested in other organizations.

Proceed.

(Testimony of Harold E. Botts.)

Mr. Painter: Your Honor, may I make an offer of proof?

Trial Examiner Lindsay: You may.

Mr. Painter: By this witness, it is our intention to prove that there is existing in this locality an agricultural organization known as the Farm Bureau; that practically all farmers and a large majority of all the farmers in this locality belong to that organization; that a large majority of the men who have been named in the complaint in this action are members of that organization; and a large majority of the men who have been identified as having been at the Boswell gin on January 30th are members of the Farm Bureau.

Trial Examiner Lindsay: The offer is rejected.

Mr. Painter: That is all, Mr. Botts. [2269]

Mr. Mouritsen: May I direct counsel's attention to page 1506 of the transcript, volume 11, June 2, 1939?

Do you have that?

Mr. Clark: Yes.

#### Cross Examination

Q. (By Mr. Mouritsen) On page 1504 I will read to you beginning with line 2 the questions that were put to you, I believe, before by Mr. Walsh regarding the preparation——

Mr. Clark (Interrupting): I think they were put by me to the witness, Mr. Mouritsen.

Mr. Mouritsen: Is this a Board's Exhibit or one of the Boswell exhibits?

(Testimony of Harold E. Botts.)

The Reporter: That is a Board exhibit.

Mr. Clark: They are all Board's exhibits, the list and the supplementary list that Mr. Walsh offered on behalf of the Board.

Mr. Mouritsen: Yes. The questions were put both by Mr. Clark and Mr. Walsh. I will indicate as I read to the witness.

Beginning with line 2, question, I believe, by Mr. Clark:

“Q. Would you be able, Mr. Botts, if I gave you a copy of this exhibit”—referring to Board's Exhibit 11, which is the list of the Associated Farmers members originally furnished by the Associated Farmers—“if I gave you a copy of this exhibit, which you could take away with you, to indicate on it those persons who became members of the Associated Farmers [2270] of Kings County, appearing on the list after January 30, 1939?”

Answer by yourself: “I believe I can do that.

“Mr. Clark: All right.

“Now, Mr. Examiner, I would like permission, then, to let this witness go upon the only reservation that I would like him to indicate on a copy, which I have, of this membership list, the persons who were not members on January 30th in this organization and then I will offer that in evidence.

“Trial Examiner Lindsay: Is that agreeable?

“Mr. Walsh: Satisfactory.

“Trial Examiner Lindsay: How is he going to designate them, by a cross after each one?

(Testimony of Harold E. Botts.)

“Q. (By Mr. Clark) Is that the way you will do it?

“I suggest to you, Mr. Botts, that you simply put a check mark after those appearing on the list, which I will give you, who were not members or who became members after January 30, 1939, and I will recall you and have you testify.

“Mr. Walsh: I wonder if we could supplement that by adding the date on which they became members?

“Mr. Clark: Yes.

“The Witness:” —that is yourself, and I would like to direct your attention to this answer specifically:

“I doubt if I could give you the exact date. It would probably be during the month of February. In some cases, I [2271] could give you the exact date and others I would have to guess at it.”

Q. Now, Mr. Botts, I will show you Board's Exhibit 11(a) and (b) and ask you to indicate on that list the names you are sure about the date on which they became members of the Associated Farmers and the names at which you guessed at the date on which they became members.

Mr. Clark: Objected to, may it please the Examiner, on the ground it is vague and indefinite; also, incompetent, irrelevant and immaterial as to any names there except those which are under investigation now; and I simply suggest, may it please the Examiner, that Mr. Mouritsen direct the wit-

(Testimony of Harold E. Botts.)

ness' attention to those names which he questions and then examine him with respect to his, Mr. Botts', knowledge as to when those people became members. Otherwise, we are going to have him go through 300 odd names and attempt to give that information. [2272]

Trial Examiner Lindsay: He may answer.

The Witness: Now, what was the question again? I forget it. Can I have it read?

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: Do you understand the question?

Mr. Clark: I object on the ground it is compound and complex—that is all.

The Witness: I would imagine it would take a half an hour to do that. Do you want me to do that?

Trial Examiner Lindsay: If you fully understand the question, you may answer.

The Witness: You want me to indicate some names which I gave a date on when they joined, was one part of the question, as I understand it.

Q. (By Mr. Mouritsen) As I recall your testimony, you stated that you could do it, in the case of some members you could give the exact date, and in others you would have to guess at the date.

Now, I would like you to indicate upon the list the names that you know the exact date on, when they became members, and also the names that you merely guess at the date on which they became members.



(Testimony of Harold E. Botts.)

Mr. Clark: I will also add to that objection, Mr. Examiner, that as to all names of persons who are concededly members of [2273] the Associated Farmers on January 30th, 1939, the examination is incompetent, irrelevant and immaterial. It makes no difference how far beyond, before January 30th, a person became a member for the purpose of this case, just so long as he was on January 30th. If the question is to be answered, I suggest that it be confined to those persons whom the list shows were not members on January 30th of this year.

Mr. Mouritsen: That is surely the point of the examination, Mr. Examiner. We are trying to ascertain from this witness, who has stated that he could only guess, and who has furnished us a list in which he states that some were and some were not members on January 30th. We want to test the accuracy of that information.

Trial Examiner Lindsay: Yes. You may proceed and answer the question.

Do you understand the question, Mr. Witness? We are having a lot of argument here, and it would be very simple if it was answered.

Do you understand the question? Don't answer the question if you don't understand it, Mr. Witness. Do you want the question read?

The Witness: Yes, read it back.

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: Take the list there and give us [2274] the ones as you go along.

(Testimony of Harold E. Botts.)

The Witness: The dates on which I am sure——

Mr. Clark (Interrupting): May I get my copy and follow?

Trial Examiner Lindsay: Yes.

Mr. Clark: All right.

The Witness: The only dates on which I put a date on were those individuals who joined, took out a membership in my own presence on the night of the barbecue at the Reden ranch. Those are the only dates that I indicated at all of the several individuals who filed their applications that particular night in my presence. The others bear no particular dates, simply before January 30th or following January 30th. I will give you the names if you wish them, some of the names.

Q. (By Mr. Mouritsen) Let me ask you this. Did you say that there is some method of distinction—strike that.

I believe you said that other than those particular ones that you took at this particular place, the other applications bear no date, is that correct?

A. I simply said I divided them into two groups, those who joined previous to January 30th, and those who joined subsequent to January 30th.

Q. Well, now, didn't you also say that the only applications that are dated are the ones that you yourself took at some particular ranch? [2275]

Mr. Clark: I object to that upon the ground it is a misstatement of the record.

Trial Examiner Lindsay: Yes, sustained.

(Testimony of Harold E. Botts.)

Mr. Mouritsen: I would like the witness to correct me as to what his statement was in that regard.

Mr. Clark: The objection is sustained, I submit.

Trial Examiner Lindsay: Yes, as to that question. He may reframe his question.

Q. (By Mr. Mouritsen) Well, will you tell me just what you did say about the particular applications that you took at this Beden ranch?

A. The Reden ranch.

Q. The Reden ranch. Will you tell me just what you did say about those particular applications, again?

Mr. Clark: Mr. Examiner, I object to that upon the ground it is asked and answered. May I suggest this, it is after 9:00 o'clock and we have had an hour of this session already this morning. May I suggest that we have a short recess at which Mr. Mouritsen can confer with Mr. Botts and maybe he can straighten out the material he wants to get.

Mr. Mouritsen: I would like to complete the examination on this phase.

Trial Examiner Lindsay: Just a minute, please. I believe an attorney has the right to cross examine a witness.

Mr. Clark: I submit he hasn't a right to cross examine [2276] this way, Mr. Examiner.

Trial Examiner Lindsay: Well——

Mr. Clark (Interrupting): It is improper cross examination.

(Testimony of Harold E. Botts.)

Trial Examiner Lindsay: Listen, Mr. Clark. You have your objections, and I am the one to determine whether it is or is not right. Now, let us not argue any more.

I stated at the outset of this hearing that every time an objection was made by an attorney, even though the attorney does not ask for an exception or I did not say "exception," that the record, as a matter of fact, shows an exception in each instance.

Now, as to whether a question will or will not be answered, that is exactly what I am here for. It isn't necessary to constantly interrupt the cross examination of witnesses by any attorney. You have the right to make your objections, and state your reasons, if you so desire, and I will rule on them.

Mr. Clark: I am simply suggesting a recess in which Mr. Mouritsen can get this information.

Trial Examiner Lindsay: Just a moment, Mr. Clark, and you will get a recess.

As to Mr. Mouritsen's method, I will leave that up to Mr. Mouritsen as long as he conducts himself as an attorney. He has that right the same as you have. [2277]

We will have a ten minute recess.

(At this point a short recess was taken, after which proceedings were resumed as follows:) [2278]

Trial Examiner Lindsay: Hearing called to order.

(Testimony of Harold E. Botts.)

Q. (By Mr. Mouritsen) Now, do you have the question in mind, Mr. Botts?

A. I guess we'd better read it over again.

Mr. Mouritsen: While we are having it read, may I also have that part of the testimony about the applications at the Reden ranch read? May I have that read also?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

Mr. Mouritsen: I think perhaps due to the confusion I had better reframe the question.

Q. Mr. Botts, I will ask you if the membership applications or records of the Associated Farmers which you keep indicate the date upon which the members became members of the Association?

A. No, they do not. There is no place for any particular date.

Q. And do you have any other—well, do you have any records that indicate the date upon which members became members of the Associated Farmers?

A. Not as to the exact date; probably get it as to what week or what month, not the particular date other than by my own recollection by some incident.

Q. And other than the records that you keep, I will ask you [2279] if there are any other records of the Associated Farmers that indicate the date upon which the members joined the Associated Farmers?

(Testimony of Harold E. Botts.)

A. Not other than the records I keep.

Mr. Clark: That is the Associated Farmers of Kings County, of course?

Trial Examiner Lindsay: We understand it is Kings County.

Mr. Mouritsen: And may it be stipulated that where I have mentioned the Associated Farmers, it applies only to the Associated Farmers of which Mr. Botts is an officer?

Mr. Clark: Very well.

Q. (By Mr. Mouritsen) You so understood that, didn't you?      A. Yes.

Q. Now, Mr. Botts, were you present at a barbecue held on the Salyer ranch on or about January 30, 1939?      A. I was.

Q. And it has been previously testified that this was January 30, 1939, which was the date upon which certain pickets were requested to leave the Boswell plant. Is that the day that you have in mind?      A. Yes.

Q. And on the evening of that day you attended a meeting or a barbecue at the Salyer ranch, is that correct?      A. Yes, sir. [2280]

Q. At that time you were also treasurer of the Associated Farmers of Kings County, Inc., were you not?      A. Yes, sir.

Q. Now, were you present during the entire evening on that occasion?

A. Well, I don't know the entire evening. I was there from the time—during the time the barbecue



(Testimony of Harold E. Botts.)

was served and during the program which followed.

Q. And the program that followed consisted of what, Mr. Botts?

Mr. Clark: This is all objected to upon the ground it is incompetent, irrelevant and immaterial and hearsay as to all respondents, no authority having been shown from any of the respondents in this case to Mr. Botts to appear at this barbecue on the evening of January 30th on behalf of any of them.

May it be deemed that that objection runs to that entire line of testimony?

Mr. Mouritsen: So stipulated.

Mr. Clark: Very well.

Trial Examiner Lindsay: He may answer.

The Witness: Is there a question?

Q. (By Mr. Mouritsen) I asked you of what the program that followed the barbecue consisted.

I will stipulate that it is objected to. [2281]

Mr. Clark: Very well.

The Witness: As I recall, one principal speaker was Mr. Harry Martin of Los Angeles.

Q. (By Mr. Mouritsen) I will ask you if you had any connection, or did you obtain the principal speaker for that evening? Did you make the arrangements? A. No, sir.

Q. Do you know who did?

A. No, I don't. I haven't any definite knowledge who did.

(Testimony of Harold E. Botts.)

Q. Well, haven't you heard who did, who made the arrangement?

Mr. Clark: I object to that upon the ground it is hearsay, Mr. Examiner, and calls for something which is not within the knowledge of the witness.

Mr. Mouritsen: This is cross examination.

Mr. Clark: I know, but may I submit that it is simply fishing so far as this witness is concerned to try to find out what rumors he had heard. They are not credible in any way. And may I point out, Mr. Examiner, that even the person who may have been responsible for this hearsay isn't identified. It even goes that far.

Trial Examiner Lindsay: Well surely Mr. Martin didn't come without an invitation from someone.

Mr. Clark: That is a far cry, however, from the Associated Farmers inviting him and that is the only thing of per- [2282] tinency here.

Trial Examiner Lindsay: He may answer.

The Witness: The question, please.

(The record referred to was read by the reporter, as set forth above.)

The Witness: I don't believe I know who made the arrangement. I know I had no knowledge of it.

Q. (By Mr. Mouritsen) And I will ask you if, during the close of his talk, Mr. Harry Lee Martin didn't make some reference to the picketing incident that had occurred earlier in the day.

A. He probably did; probably did.

(Testimony of Harold E. Botts.)

Mr. Clark: May I have the rest of that?

The Witness: He most probably did make some reference to that.

Q. (By Mr. Mouritsen) And do you recall the particular reference that he made?

A. No. I don't recall any particular reference.

Q. Let me ask you if during the course of his talk Mr. Harry Lee Martin didn't say something to the effect that it was now just as necessary as in the earlier days that the farmers act with the Flag in one hand and a pickhandle in the other?

A. I don't recall those words, no.

Q. Well, just—I mean the substance is all. Didn't he [2283] say something to that effect?

A. Recalling his talk, I don't believe that the reference that you gave there was made there, just that way, by Mr. Martin.

Q. And I think you said—you just said it wasn't made just like that. Give us your recollection as to what reference was made in that regard.

A. My recollection would be this: That Mr. Martin had gone through, told his experiences of having gone through the vegetable—I believe it was—strike down in the Imperial Valley four or five years ago, whenever the time was.

Q. Did you——

Mr. Clark (Interrupting): Let us have the rest of it, if there is any more.

The Witness: He said that the only way they could ship their products was the farmers acting together. I don't believe there was any—in his con-

(Testimony of Harold E. Botts.)

versation—there was any violence at all resorted to in the case down in the Imperial Valley or wherever that was but I believe, if I remember correctly, he did say that those men down there, if it come to a pinch, were prepared to see that their produce went through even if they had to use force.

Q. (By Mr. Mouritsen) And did he make a comparison between that situation and the situation of the picketing incident at Boswell's? [2284]

A. If he did, it was only that the situation might be somewhat similar.

Q. And didn't he in that talk that evening praise the action of those farmers in driving out the pickets that morning?

Mr. Clark: I object to this, may it please the Examiner, on the ground it is incompetent, irrelevant and immaterial, has no bearing whatsoever on the events which are alleged in the complaint here to have taken place before Mr. Martin, who isn't accused of having participated in them, ever came to this vicinity.

I submit it has no probative force whether he praised it or not in the event that he entered the scene subsequently, and added to it the fact that there is no connection shown between him and the respondents in this case.

Mr. Mouritsen: Mr. Examiner, if this matter is not connected up, I will have no objection to having it stricken from the record.

Trial Examiner Lindsay: He may answer.

The Witness: What was the question?

(Testimony of Harold E. Botts.)

(The question referred to was read by the reporter, as set forth above.)

The Witness: I don't recall that he praised them for driving out the pickets that morning.

Q. (By Mr. Mouritsen) And didn't Mr. Martin draw a comparison between the stand of the Corcoran farmers to that of the [2285] farmers at Lexington?

A. At Lexington? I don't recall. He may have, but I don't recall it. You are speaking of the revolutionary period?

Q. I assume that is what Mr. Martin had in mind if he made such a statement.

A. He may have made such a statement, but I don't recall it.

Q. Now, Mr. Boyett was also present at that barbecue that night, wasn't he?

A. I couldn't say definitely, but I believe he was.

Q. And he at that time was president of the Associated Farmers of Kings County, wasn't he?

A. Yes.

Q. Now, I will ask you this, Mr. Botts, who—strike that.

On another occasion other than the one in question of—strike that.

For meetings or for barbecues of the Associated Farmers have there been speakers at other times?

Mr. Clark: Objected to on the ground it is incompetent, irrelevant and immaterial and beyond

(Testimony of Harold E. Botts.)

the scope of direct examination. I understood these gentlemen had concluded their case against the Associated Farmers. I even made a motion to dismiss upon that understanding, and now they are exceeding the scope of an examination which we conducted of a witness solely to determine who were members of this organization. If they had any of this information, they would put it in as part [2286] of their case instead of simply fishing around with Mr. Botts now.

I will submit the objection.

Trial Examiner Lindsay: I stated at the beginning of this hearing that I allowed cross examination, recross, and surcross, redirect, to all attorneys in this hearing and all of you have taken full advantage of it. I will not deviate from that theory.

You may answer.

The Witness: What was that question?

(The question referred to was read by the reporter, as set forth above.)

Mr. Clark: Well, just a minute. I suggest, may it please the Examiner, that that question assumes that this particular meeting is an Associated Farmers' meeting. [2287]

Mr. Mouritsen: That might, perhaps, have been drawn. I didn't intend to do that. I withdraw the word "other."

Mr. Clark: I suggest the question be re-framed.

Q. (By Mr. Mouritsen) At meetings and barbecues of the Associated Farmers, have they from time to time had speakers?



(Testimony of Harold E. Botts.)

I will stipulate the objection applies.

The Witness: Yes, we have had speakers.

Q. (By Mr. Mouritsen) Now, in the past, who has made arrangements for such speakers?

A. I believe either Mr. Boyett or myself.

Q. And do you know of anyone else, on any occasion, who has arranged for a speaker other than yourself and Mr. Boyett?

A. No, I can't recall any.

Q. Now, Mr. Botts, I will direct your attention to a meeting of some officers of the Associated Farmers that was held, I believe, two or three days prior to January 30th, 1939, at, I believe, Peden's cafe in Hanford, and ask you if you ever attended a meeting at or about that time?

A. I did.

Q. And were you present at this meeting in Peden's cafe in Hanford a couple of days before this January 30th?

A. I was.

Mr. Clark: Well, the record shows the date was January 28th, Mr. Examiner. If we are going to have it referred to, let's have it accurate. It is the Executive Committee also, [2288] not certain officers of the Associated Farmers. Mr. Walsh developed that on Saturday night, January 28th, there was a meeting at Peden's cafe of the Executive Committee of the Associated Farmers.

Mr. Mouritsen: If Mr. Clark is going to testify, I ask that he be sworn.

Mr. Clark: I am only stating what the record says, and I want the record to be correct.

(Testimony of Harold E. Botts.)

Trial Examiner Lindsay: State what you want for the objection, and Mr. Mouritsen, if you have any statement in opposition to the objection and the reasons, make it, but I won't tolerate any argument back and forth.

Mr. Clark: My objection is also that it is vague and indefinite.

Trial Examiner Lindsay: The objection is in. If you want to say anything as to reasons, you may do so.

You may answer.

The Witness: What was the question?

Trial Examiner Lindsay: Read the question and answer.

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Mouritsen) I believe it has also been testified that a representative, or representatives, of the press were present.

Do you recall whether or not any representatives of the [2289] press were present at that time?

Mr. Clark: Objected to on the ground it is a misstatement of the record. The record is that at a meeting of the Associated Farmers on January 26th, there were certain representatives of the press present, including a gentleman from the Hanford Journal, I believe the name of that paper is, and that was the meeting to which that testimony referred and not to the Executive Committee meeting on the 28th.

(Testimony of Harold E. Botts.)

Trial Examiner Lindsay: Well, reframe your question, Mr. Mouritsen.

Q. (By Mr. Mouritsen) I will ask you, Mr. Botts, if at this meeting on January 28th in Peden's cafe in Hanford, if Mr. Waite of the Hanford Journal wasn't present?

A. On the 28th?

Q. The 28th.

A. He was not present at the Executive Committee in Peden's cafe. He was not.

Q. And—were you also present at this meeting that took place on the 26th? A. I was.

Q. And Mr. Waite of the Hanford Journal was present on the 26th, is that correct?

A. That is correct.

Q. Well, at this meeting on the 28th, were there any representatives of any papers present? [2290]

A. No, not to my knowledge.

Q. Now, I will ask you if any—strike that.

At the meeting on January 28th at Peden's cafe, I believe Mr. Brice Sherman and Mr. Nick Wies were employed by the Associated Farmers of Kings County, Inc., isn't that correct?

A. That was the discussion.

Q. And the discussion was regarding an organizational drive, is that correct?

A. Yes, sir.

Q. Now, I will ask you if you or Mr. Boyett made an announcement of the organizational drive at that time?

(Testimony of Harold E. Botts.)

A. Could I have that question again?

Trial Examiner Lindsay: Yes. Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: I don't quite get your meaning.

Mr. Mouritsen: It is probably indefinite.

Q. I will ask you if you didn't announce to the papers or issue a statement to the papers that you were starting this organizational drive and that Mr. Wies and Mr. Brice Sherman had been employed for the purpose of getting new members to the Associated Farmers?

A. That was released through the papers. Whether it was following that particular meeting or that particular night, I am not sure, but it was right about that date, the following day or a day or two later; I don't know. [2291]

Q. And, of course, January 28, 1939, was on a Saturday night, wasn't it? A. Yes, it was.

Q. And do you recall who released that information for the paper? Was that you or Mr. Boyett?

A. It wasn't me directly. I don't recall who gave it.

Q. Was there some discussion at that meeting as to making it known by giving it publicity in various papers?

A. That was the program adopted.

Q. And you don't recall who was given that par-

(Testimony of Harold E. Botts.)

ticular job of seeing that it was given publicity, is that correct?

A. I don't recall whether it was—just who it was.

Q. I will ask you if Mr. Nick Weis was given that thing to do at that time?

A. You refer now to an announcement in the paper?

Q. To publicizing the organizational campaign and——

A. (Interrupting): No, he wasn't.

Q. You are sure he wasn't?

A. There was no official designation, for example, that Nick Weis could release those.

Q. Now, Mr. Botts, I will ask you if at that time it wasn't discussed that Mr. Harry Lee Martin would be a later speaker for the Associated Farmers?

A. I don't recall that. I would say no if I was to be definite but I wouldn't want it to be definite. I don't think [2292] Harry Lee Martin's name was mentioned.

Q. Now then, also at that meeting was it discussed as to which papers the announcement of this membership drive would be given?

A. It was.

Q. And what papers, please?

A. Every paper issued in Kings County, some in Tulare, some in Fresno County.

Q. That would include the Hanford Journal?

(Testimony of Harold E. Botts.)

A. And Sentinel.

Q. Or Sentinel?           A. Both of them.

Q. And both of the papers here in Corcoran?

A. Yes, sir.

Q. And what was the paper in Fresno?

A. The Fresno Bee.

Q. Now, I will ask you if after that time you ever read any of the publicity published in the papers about this organizational drive?

A. I did.

Q. And with reference to that, do you recall whether any such publicity was incorrect in any way?           A. No.

Mr. Clark: I object to this manner of examining the witness, Mr. Examiner, on generalities such as that, unless [2293] his attention is directed to the particular article, unless he is shown the article. This obviously can have only one purpose, and that is impeachment; and he is entitled to be faced with the document upon the basis of which counsel seeks to impeach him.

And I submit it is improper cross examination for counsel to sit here and ask this man whether out of a bulk of publicity having to do with a membership drive he read all of the articles and whether he remembers any erroneous statements by the papers. The object is, of course, to try to get him to say that he hasn't and then to show him some article written by someone else in which some statement is made.



(Testimony of Harold E. Botts.)

Mr. Mouritsen: I object to counsel instructing the witness in his purported objection.

Mr. Clark: I am not trying to instruct the witness at all. Everyone can see the purpose.

I will submit the objection, which simply is that the question is improper cross examination, vague and indefinite, and that if the witness is to be questioned concerning any particular article published by a newspaper, it ought to be called to his attention.

Trial Examiner Lindsay: All right.

That objection is quite different. Let us not try to—strike that.

May I have that last question re-read? [2294]

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: I move that the answer go out. I didn't know it had come in.

Trial Examiner Lindsay: The answer may stand.

I understand that the preceding question—off the record.

(Here followed discussion off the record.)

Trial Examiner Lindsay: On the record.

Mr. Clark: May I have the previous question and answer read?

Trial Examiner Lindsay: Read the question and answer.

(The record referred to was read by the reporter, as set forth above.)

(Testimony of Harold E. Botts.)

Trial Examiner Lindsay: That means just as to what you read.

The Witness: Yes.

Trial Examiner Lindsay: And I am sure that is the intention of the question; is that right, Mr. Mouritsen?

Mr. Mouritsen: Surely. It would obviously be impossible for the witness to testify to something he didn't know.

Trial Examiner Lindsay: Gentlemen, if you will watch the questions and the answers, I am sure that a lot of these statements are unnecessary.

Now, my honest endeavor is to get all of the facts of [2295] this case.

Mr. Mouritsen: Mr. Examiner, since it is nearly 10:00 o'clock, would we take an adjournment at this time and continue the cross examination of the witness at our next session.

Trial Examiner Lindsay: Well, if you think you won't finish before 10:00 o'clock.

Mr. Mouritsen: I don't think that I could, Mr. Examiner.

Trial Examiner Lindsay: Well, all right. Adjournment until Monday morning at 9——

Mr. Clark (Interrupting): Mr. Examiner, I have a short witness or two. I think I could use up the remaining ten minutes if we recall Mr. Botts and call this witness out of turn.

Trial Examiner Lindsay: I would rather not. We will adjourn until 9:30 Monday morning.

Mr. Clark: May it be 10:00 o'clock Monday Morning?

(Testimony of Harold E. Botts.)

Trial Examiner Lindsay: Off the record a moment.

(Here followed discussion off the record.)

Trial Examiner Lindsay: On the record.

Then, on those conditions, you may have until 10:00 o'clock.

(Whereupon, at 9:50 o'clock a. m., an adjournment was taken until 10:00 o'clock a. m., Monday, June 12, 1939.) [2296]

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American Legion Hall  
Corcoran, California  
Monday, June 12, 1939.  
10:00 o'clock a. m. [2297]

## PROCEEDINGS

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: The Respondents are ready, Mr. Examiner.

Mr. Mouritsen: Ready for the Board, Mr. Examiner.

Mr. Clark: May it please the Examiner, before going on with Mr. Botts' testimony, may I call the Examiner's attention and that of counsel for the Board to page 2266 of the transcript of Saturday morning at line 25, which question reads "Is Clyde Dunley a member of the Associated Farmers."

The name should be "Nunley," N-u-n-l-e-y.

Mr. Mouritsen: I will stipulate to that.

Mr. Clark: Very well.

There is one other, also on page 2275, commencing at line 6, where Mr. Botts gives the following answer:

"The Witness: The only dates on which I put a date on were those individuals who joined, took out a membership in my own presence on the night of the barbecue at the Reden ranch."

I specifically remember the witness saying "in October."

Mr. Mouritsen: I don't recall it.

Mr. Clark: As a matter of fact, that is the only time there was a barbecue at the Reden ranch, and is so shown by this record.

Mr. Mouritsen: We can clear it up by asking him on the record. [2299]

Trial Examiner Lindsay: He didn't, as I recall it, say "in October."

Mr. Clark: I specifically remember that, Mr. Examiner.

Trial Examiner Lindsay: I think I have that whole answer.

(Examining document.)

Trial Examiner Lindsay: If he said it, I didn't get it.

Mr. Clark: I wonder if the reporter has—it isn't worth while going back to it. I can take that up on cross examination.

There is one other that appears in line 11 at page

2280 in the statement by Mr. Mouritsen, "And may it be stipulated that where I have mentioned the Associated Farmers, it applies only to the Associated Farmers of which Mr. Botts is an offer?" And the word "offer" should be "officer."

May that word "offer" be changed to "officer"?

Mr. Mouritsen: So stipulated.

Trial Examiner Lindsay: Yes.

Mr. Clark: Very well, That is all.

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HAROLD E. BOTTS,

the witness on the stand at the time of adjournment, resumed the stand and was further examined and testified as follows:

Trial Examiner Lindsay: Is Mr. McTernan going to be here?

Mr. Mouritsen: He will be here later, Mr. Examiner.

Now, may I direct counsel's attention to page 1476 of [2300] the official transcript which is in Volume XI, June 2nd, 1939, at line 19.

Mr. Clark: The page was what, again?

Mr. Mouritsen: 1476.

Mr. Clark: Very well.

Cross Examination

(Continued)

Q. (By Mr. Mouritsen) Directing your attention to a question put to you by Mr. Clark—put to Mr. Boyett by Mr. Clark—beginning on line 19, as follows:

(Testimony of Harold E. Botts.)

“Did either you or anyone on behalf of the Associated Farmers of Kings County have anything whatsoever to do in any way, manner, shape or form with the calling of that meeting?”

And I think the context indicates that it was the Salyer barbecue on January 30th, isn't that correct, Mr. Clark?

Mr. Clark: Just a minute. Yes, that is my understanding, that that question refers to the barbecue on the evening of January 30th at the Salyer ranch.

Q. (By Mr. Mouritsen) Now, with that in mind, that question in mind, and to which Mr. Boyett's answer was “None whatever,” I will ask you the same question, Mr. Botts: Did either you or anyone else on behalf of the Associated Farmers of Kings County have anything whatsoever to do in any way, manner, shape or form with the calling of that meeting?

A. Answering for myself, first, individually, I had absolutely [2301] nothing to do with it; knew nothing of it until, I would say, 4:30 or 5:00 o'clock.

Mr. Clark: What date, please?

The Witness: Of January 30th.

Speaking in behalf of any official action by the Associated Farmers, there was no connection to my knowledge at all, no knowledge even of the meeting to be held.

Mr. Clark: On behalf of whom?

The Witness: Any of the officers of the Associated Farmers as a group. [2302]



(Testimony of Harold E. Botts.)

Q. (By Mr. Mouritsen) Now, Mr. Botts, I will also ask you if you or anyone on behalf of the Associated Farmers of Kings County had anything whatever to do with the dispersal of the pickets at the Boswell plant on the morning of January 30, 1939.

Mr. Clark: May I have that read back, Mr. Examiner.

Trial Examiner Lindsay: Yes. Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: Individually, again, I did not. I know of no responsibility of any officer in connection with that.

Q. (By Mr. Mouritsen) Now I will ask you this: Are you just as positive that the Associated Farmers had no connection with the dispersal of the pickets as you are of the testimony that they had no connection with the meeting at Salyer's ranch on January 30, 1939?

A. By "meeting," you refer to the one in the morning?

Mr. Clark: Well, I object to the question on the ground it is complex and compound, Mr. Examiner, and improper cross examination.

Trial Examiner Lindsay: May I have the question?

(The question referred to was read by the reporter, as set forth above.)

(Testimony of Harold E. Botts.)

Trial Examiner Lindsay: There is one thing: That meeting you are referring to, you mean the barbecue? [2303]

Mr. Mouritsen: What has been identified as the barbecue.

The Witness: I would testify that there is no connection there with the group, the official group, of the Associated Farmers.

Mr. Clark: You mean in either instance?

The Witness: I mean in either instance.

Q. (By Mr. Mouritsen) I am not asking you that.

I am asking you if you are just as sure that the Associated Farmers had nothing to do with the dispersal of the pickets on the morning of January 30th as you are that the Associated Farmers had nothing to do with the barbecue at the Salyer ranch that same night.

A. I would answer I am just as sure.

Q. I will ask you, Mr. Botts, do you subscribe to the Hanford Journal? A. No.

Q. Do you subscribe to any paper?

A. I subscribe to the Fresno Bee.

Q. Do you take it regularly?

A. I have since about I would say the 1st of March when my subscription in the Hanford Journal ran out.

Q. And isn't it true that you also subscribed to the Fresno Bee in January of this year?

A. I can't give you the date without looking up the time that I paid for it. [2304]

(Testimony of Harold E. Botts.)

Q. But you might or might not have taken it in January of this year, is that correct?

A. I don't think I did.

Q. Now, Mr. Botts, when you were on the stand before, I believe you testified that the Associated Farmers of Kings County, Inc., purchased certain tables and benches and large kettles that I believe you classified as barbecue equipment. Do you recall that testimony?

A. I believe I made some such statement.

Q. Now, I will ask you if that barbecue equipment wasn't used at the Salyer barbecue on January 30, 1939?

A. I can't definitely say that it was or was not, but my impression is that it was.

Q. That is was.

Do you remember who made arrangements for using that barbecue equipment?

A. No, I don't know. I never knew it was used until I saw it there.

Q. And who had charge of the property of the Associated Farmers of Kings County, Inc., during January and February of 1939?

Mr. Clark: Objected to on the ground it is indefinite, Mr. Examiner. That is, what property? This particular equipment or what other property they have?

Trial Examiner Lindsay: Yes. Be specific. [2305]

Mr. Mouritsen: I will accept counsel's sugges-

(Testimony of Harold E. Botts.)

tion in that matter and confine it only to this barbecue equipment.

Mr. Clark: I ask that the question be reframed, Mr. Examiner.

Trial Examiner Lindsay: Yes.

Mr. Mouritsen: I will reframe it.

Q. Who had charge of the barbecue equipment of the Associated Farmers of Kings County during January and February of 1939?

A. I suppose that I had charge of it. In other words, it was stored in one of the garages at the Reden ranch.

Q. Who owns the Reden ranch?

A. I believe it is a Mr. Reden of Los Angeles. [2306]

Q. As a matter of fact, isn't that a Boswell property?

A. Not to my knowledge. They may have it leased.

Q. Yes.

And who is the foreman out there?

A. I don't know.

Q. Well, to whom—with whom did you make arrangements for storing this barbecue equipment on the Reden ranch?

A. I couldn't tell you his name. He was the caretaker there.

Q. Wasn't it a Mr. Lowry?

A. I couldn't say.

Q. When did you store that equipment on the Reden ranch?

(Testimony of Harold E. Botts.)

A. Following the barbecue of October 18th.

Q. And do you recall seeing this equipment at Salyer's ranch on January 30th, 1939?

A. I though I recognized some of it.

Q. Yes.

Now, do you know how that barbecue equipment was hauled to Salyer's ranch on that evening?

A. No, I don't.

Q. Now, I believe you testified on the time we were last in session, Mr. Botts, that nothing was said at this meeting of January 28, 1939, of the— at Peden's Cafe, of the Executive Committee of the Associated Farmers, regarding Harry Lee Martin, is that correct?

A. Yes, that is correct; nothing was mentioned. [2307]

Q. And I think you also stated, did you not, that that was the meeting at which Nick Weis and Brice Sherman were hired, or their hiring was discussed, by the people present, is that correct?

Mr. Clark: Well, may I have the question—I will object to it on the ground it is compound and indefinite, Mr. Examiner; in other words, let's have it as to whether they were hired or whether it was just discussed. An affirmative answer to that would answer both of Mr. Mouritsen's questions.

Trial Examiner Lindsay: That is correct. Sustained.

Q. (By Mr. Mouritsen) I will ask you if, at

(Testimony of Harold E. Botts.)

that time, Nick Weis and Brice Sherman were not hired by the Associated Farmers of Kings County?

Mr. Clark: That is the meeting of the 28th?

Mr. Mouritsen: That is correct.

The Witness: They were hired at the meeting of the 28th.

Q. (By Mr. Mouritsen) There was some discussion at that time regarding a barbecue to be held by the Associated Farmers, isn't that correct?

A. Not at that meeting.

Q. And—there was nothing said at that meeting regarding a barbecue, is that correct, that you recall?

A. No, it wasn't mentioned.

Q. Now, are you positive of that, Mr. Botts?

A. I believe I am positive of that. [2308]

Q. And you are just as positive of that as you are of the rest of the testimony that you have given here, is that correct?

A. The testimony is true to the best of my recollection.

Q. You are as positive of that as you are of the fact that the Associated Farmers had nothing to do with the dispersal of the pickets on January 30th, 1939?

Mr. Clark: Objected to as already asked and answered, and argumentative, Mr. Examiner.

Trial Examiner Lindsay: He may answer. Answer that yes or no.

The Witness: What was the question?



(Testimony of Harold E. Botts.)

(The question referred to was read by the reporter, as set forth above.)

Mr. Clark: Same objection.

Trial Examiner Lindsay: He may answer.

The Witness: My answer is I am just as positive from my own recollection.

Q. (By Mr. Mouritsen) Now, Mr. Clark—or, Mr. Botts, may I direct your attention to the testimony that you gave when you were previously on the stand regarding this meeting at Peden's Cafe.

And I will direct counsel's attention to page 1497 of the official transcript.

Mr. Clark: What volume? [2309]

Mr. Mouritsen: Volume XI.

Mr. Clark: What line?

Mr. Mouritsen: Beginning with line 8.

Do you have it, Mr. Clark?

Mr. Clark: Yes.

Q. (By Mr. Mouritsen) Now, a question to you by Mr. Walsh as follows:

“Q. (By Mr. Walsh) Now, Mr. Botts, who made the arrangements for this barbecue that you told us about that was held on the Salyer ranch in the early part of February?

“A. I don't know as I can name the guiding spirit of it at all. It was simply, as I recall it, the tent was out there and we thought it desirable to have another public hearing as at this time we were in a campaign for mem-

(Testimony of Harold E. Botts.)

bership and that was the idea of it, so I presume that the Executive Committee were the ones that more or less sponsored it with that idea in mind.

“Q. Do you know—did you have any meetings of the Executive Committee for the purpose of making those arrangements and committing the organization to that expense?

“A. No, I don’t believe we did because I believe that was all delegated at the previous meeting mentioned in Mr. Boyett’s testimony.

“Q. Do you know at what meeting it was determined to have that barbecue? [2310]

“A. When we met in Peden’s Cafe. What was the date of the previous Executive—some time the latter part of January.

“Q. January 28th, I believe Mr. Boyett fixed as the date.

“A. One Saturday night, I remember. In talking over the membership drive we decided to hold a public meeting at some place during the month of February and that tent was out there at Salyer’s, and it was offered to us if we wanted to use it.” [2311]

Mr. Clark: Now, let us have the question.

Q. (By Mr. Mouritsen) Mr. Botts, I will ask you if that testimony that you gave at that time was true.

Mr. Clark: I object to that upon the ground, may it please your Honor, that it is argumenta-

(Testimony of Harold E. Botts.)

tive, incompetent, irrelevant and immaterial and that that testimony is entirely consistent with that just given by Mr. Botts from the stand.

Mr. Mouritsen: Now, Mr. Examiner——

Mr. Clark (Interrupting): And it is intended only—just a minute, please, until I state the grounds of my objection—and it is intended as impeachment, Mr. Examiner, and that it fails to accomplish that purpose and has no place in the record.

Mr. Mouritsen: Have you completed?

Mr. Clark: Yes, I have completed my objection.

Mr. Mouritsen: I must object to this continual interruption by counsel and I must object to counsel's instructing the witness under the guise of an objection. Time after time when I am just getting at the truth of a matter and counsel interrupts and instructs the witness under the guise of trying to object.

Mr. Clark: You have been getting nothing but the truth of the matter consistently throughout this case.

Trial Examiner Lindsay: Now, listen. Let us proceed [2312] here. You may answer.

Read the question back, please.

(The record referred to was read by the reporter, as set forth above.)

The Witness: Was that my testimony that was read there?

(Testimony of Harold E. Botts.)

Q. (By Mr. Mouritsen) I will instruct you, Mr. Botts, I have been reading from page 1497 and 1498 of the official transcript in this matter, the questions put to you by Mr. Walsh and the answers made by yourself as indicated in the transcript.

Mr. Clark: I object to that as an improper statement, Mr. Examiner, because the proper question is whether this witness remembers so testifying. In other words, we just can't assume, without putting the reporter on the stand, that this is a correct transcription of the testimony. The proper impeaching question, I submit, is whether or not this gentleman so testified on that occasion.

Trial Examiner Lindsay: He may answer the question.

Mr. Clark: I object to the form of the question.

Trial Examiner Lindsay: He may answer the question.

The Witness: As your answers and questions were read there, in the sequence that they were read in, is misleading in this respect. By the reading of that answer and question one would get the impression that was discussed at a meeting of the Executive Committee on January 28. There was a [2313] directors' meeting, I believe it was, on the 26th. It was at this directors' meeting earlier in the week that there was some talk of some time during the month of February holding a public barbecue, and not at the Executive meeting held on the 28th.

Trial Examiner Lindsay: Now I would like to have that other answer read back to me.

(Testimony of Harold E. Botts.)

Mr. Clark: Which one, Mr. Examiner? The one in the record.

Trial Examiner Lindsay: The one he has given.

Mr. Mouritsen: From the transcript, Mr. Examiner?

Trial Examiner Lindsay: Yes.

Mr. Mouritsen: Well, the question begins on line 24, at page 1497.

Mr. Clark: I think that perhaps in proper response to his Honor's question you ought to start up at line 18.

Trial Examiner Lindsay: I want him to read exactly what he read before.

Mr. Clark: That starts earlier.

Mr. Mouritsen: That starts at line 8.

Mr. Clark: Suppose we have it all. [2314]

Mr. Mouritsen: This was a question by Mr. Walsh.

"Q. Now, Mr. Botts, who made the arrangements for this barbecue that you told us about that was held on the Salyer ranch in the early part of February?

"A. I don't know as I can name the guiding spirit of it at all. It was simply, as I recall it, the tent was out there and we thought it desirable to have another public hearing as at this time we were in a campaign for membership and that was the idea of it, so I presume that the Executive Committee were the ones that more or less sponsored it with that idea in mind.

(Testimony of Harold E. Botts.)

“Q. Do you know—did you have any meetings of the Executive Committee for the purpose of making those arrangements and committing the organization to that expense?

“A. No, I don’t believe we did because I believe that was all delegated at the previous meeting mentioned in Mr. Boyett’s testimony.

“Q. Do you know at what meeting it was determined to have that barbecue?

“A. When we met in Peden’s Cafe.”

The Witness: There were two meetings——

Trial Examiner Lindsay (Interrupting): Just a minute.

Mr. Clark: Finish that, please.

Mr. Mouritsen: “What was the date of the previous Executive—some time the latter part of January. [2315]

“Q. January 28th, I believe Mr. Boyett fixed as the date.

“A. One Saturday night, I remember. In talking over the membership drive we decided to hold a public meeting at some place during the month of February and that tent was out there at Salyer’s, and it was offered to us if we wanted to use it.”

Trial Examiner Lindsay: Now, off the record just a moment.

(Discussion outside the record.)

Trial Examiner Lindsay: You may proceed.

Q. (By Mr. Mouritsen) Now, Mr. Botts, I believe you testified—no, strike that.



(Testimony of Harold E. Botts.)

As you recall it, then, the discussion of a barbecue at an Executive or a meeting of the Executive Committee was discussed on a Saturday night, is that correct?

Mr. Clark: May I have that read back, Mr. Examiner, please?

Trial Examiner Lindsay: Yes, please read it.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: Well, I object to that upon the ground it is assuming something not in evidence, and is misleading and argumentative because, as I understand the witness's testimony now, he says that this barbecue discussion was at a member-[2316] ship—was at a Directors' meeting two days previously.

Mr. Mouritsen: Again I object to this manner, Mr. Examiner, of instructing the witness, in a manner purporting to be an objection. I am merely trying to find out from the witness what his testimony is in this regard. Mr. Clark keeps continually instructing him under the guise of making objections.

Mr. Clark: Let us have the question put fairly. That is all I am interested in.

Trial Examiner Lindsay: Just a moment, gentlemen.

Now, I believe this witness is on the witness stand and he is subject to cross examination, and you may

(Testimony of Harold E. Botts.)

make your objections, but let us both frame our questions correctly and make our objections correctly.

Now, there is just one thing about that question—read the question back—it may be a little misleading.

Mr. Mouritsen: I will withdraw it, Mr. Examiner.

Q. I believe you have a 1939 calendar there, do you not, Mr. Botts?      A. Yes.

Q. And by reference to that calendar, can you tell us whether or not January 28th, 1939, fell on a Saturday?      A. It does.

Q. Now, Mr. Botts, can you tell us what else was discussed at this meeting of January 28th, 1939, other than the hiring [2317] of Nick Weis and Brice Sherman?

Mr. Clark: I object to that on the ground it was all gone over on cross examination by Mr. Walsh and also by Mr. Mouritsen, and it has been exhausted twice, Mr. Examiner.

Trial Examiner Lindsay: He may answer that question.

The Witness: I recall of nothing being discussed except the membership campaign and the appointment of Mr. Weis and Brice Sherman.

Q. (By Mr. Mouritsen) And there is nothing further that you can recall that took place at that time?      A. No.

Mr. Clark: Objected to upon the ground it is asked and answered.

(Testimony of Harold E. Botts.)

Trial Examiner Lindsay: The answer may stand.

Q. (By Mr. Mouritsen) Now, Mr. Botts, may I direct your attention to what purports to be a photostatic copy of the Valley Edition of the Fresno Bee for Monday evening, January 30th, 1939, to an article therein, headed "Farmer Group Plans Kings Drive," and I will ask that you read that article.

Mr. Clark: You mean to himself?

Mr. Mouritsen: To himself, sure.

(The document referred to was passed to the witness.)

Q. (By Mr. Mouritsen) I will ask you, Mr. Botts, if reading that article doesn't refresh your memory as to what transpired at the meeting of January 28th, 1939 in Peden's Cafe? [2318]

A. It refreshes it only this much, that I am positive that nothing was discussed except the hiring of Nick Weis and Brice Sherman to conduct the campaign. That was the entire purpose of the meeting.

Q. (By Mr. Mouritsen) Well, let us consider the article, then, Mr. Botts.

It states in the article—

Mr. Clark (Interrupting): Just one moment. I object to this, may it please your Honor, on the ground it is improper cross examination, that that article is not an exhibit in this case and is not admissible as an Exhibit. In other words, counsel is

(Testimony of Harold E. Botts.)

stating into the record what the article states.

Trial Examiner Lindsay: Yes. It must be marked.

Mr. Mouritsen: I intended to do that later.

May it be marked for identification at this time?

Trial Examiner Lindsay: 29, I believe.

(Thereupon, the document above referred to was marked as Board's Exhibit No. 29 for identification.)

Q. (By Mr. Mouritsen) Now, I will ask you, Mr. Botts, if that part of the article relating to Nick Weis and Brice Sherman does not state that matter correctly?

Mr. Clark: Objected to upon the ground it is assuming something not in evidence. It calls for hearsay as to these Respondents. The article upon which the question is based is in no way connected with any Respondent in this case, and there- [2319] fore the question calls for a statement which is incompetent, irrelevant and immaterial, and it is improper cross examination.

Trial Examiner Lindsay: He may answer.

The Witness: May I have the question again?

Q. (By Mr. Mouritsen) It was merely as to whether or not the article does not state the correct matters with reference to Nick Weis and Brice Sherman.

I will stipulate that your objection may apply.

Mr. Clark: I will object to that question as vague and indefinite, and ambiguous. It refers to some-

(Testimony of Harold E. Botts.)

thing, Mr. Examiner, which is not in evidence in this case. [2320]

The Witness: I will have to have the question again.

Trial Examiner Lindsay: Read the question.

(The record referred to was read by the reporter, as set forth above.)

The Witness: I think that part of it states that correctly.

Q. (By Mr. Mouritsen) I will ask you then, Mr. Botts, if it doesn't refresh your memory as to whether or not Harry Martin being a speaker for a meeting of the Association was discussed at that January 28th meeting or not.

A. It refreshes my memory, yes.

Q. And does it refresh your memory as to whether the discussion regarding a barbecue at one of these meetings of the executive council was not in fact regarding the meeting at the Salyer ranch on January 30, 1939?

Mr. Clark: May I have that read back, please?

Trial Examiner Lindsay: Yes. Read the question.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: That is objected to upon the ground it is ambiguous, indefinite, and unintelligible.

Trial Examiner Lindsay: I think I will sustain the objection. Reframe your question.

(Testimony of Harold E. Botts.)

Q. (By Mr. Mouritsen) Well, in fact, at one of these Executive Board meetings, didn't the Associated Farmers or [2321] the executive committee thereof, plan this meeting at the Salyer ranch on January 30, 1939?

Mr. Clark: I object to that upon the ground it misstates the record which shows there was only one executive committee meeting and that is the one of the 28th.

Trial Examiner Lindsay: Well, I don't believe that he is quoting any record on that. I believe it is a straight question.

Read the question.

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: He may answer that question.

The Witness: At an executive committee? Is that the way it is worded? I didn't quite get the wording of that.

(The record referred to was read by the reporter, as set forth above.)

The Witness: My answer would be no, it was never considered at any executive committee.

Q. (By Mr. Mouritsen) And is it also your—strike that.

Was the meeting at Salyer's ranch on January 30, 1939, discussed at any meeting of either the members or of any of the officers of the Associated Farmers prior to the time that it was held?



(Testimony of Harold E. Botts.)

A. No.

Q. Your testimony is that there was no meeting of the [2322] Associated Farmers of Kings County on January 30, 1939, is that correct?

A. May I have the question again?

(The record referred to was read by the reporter, as set forth above.)

The Witness: There was no meeting on January 30.

Q. (By Mr. Mouritsen) Now, Mr. Botts, directing your attention to the financial statement of the Associated Farmers of Kings County, Inc., I will ask you how expenditures of that organization are made.

Mr. Clark: Objected to upon the ground that the question is unintelligible. The financial statement isn't identified in the record. What financial statement?

Mr. Mouritsen: That is Board's 14(a) and (b), which you furnished.

Mr. Clark: I will ask that the question be re-framed, Mr. Examiner.

Trial Examiner Lindsay: Do you understand the question?

The Witness: I could answer it but I don't know whether I could answer——

Trial Examiner Lindsay (Interrupting): Re-frame the question.

The Witness: It might be ambiguous.

Q. (By Mr. Mouritsen) Do you make the ex-

(Testimony of Harold E. Botts.)

penditures for the Associated Farmers of Kings County, Inc.? [2323]

A. I have partial responsibility.

Q. How are those expenditures made?

A. Would you let me——

Q. (Interrupting) Do you pay them in cash or checks? A. All by check.

Q. And you have control of the check book, is that correct, Mr. Botts? A. That is correct.

Q. And do you have the canceled checks that have been returned to you after—well, returned to you from the bank? A. I believe so.

Q. Now, would you be willing to bring those canceled checks to this hearing?

Mr. Clark: Well, may we have it indicated which canceled checks are requested? As to any specifically requested, Mr. Examiner, we would be very pleased to produce them, but not all of the checks for counsel to run through.

Mr. Mouritsen: I think it would be necessary to have all of the checks, Mr. Clark.

Mr. Clark: We will bring all of the checks with us, but we are only going to produce those which are specifically called for or identified. If you will identify them, we will produce them willingly, but we are not going to produce all of the checks for you to run through unless the United States District Court orders us to do it. [2324]

Mr. Mouritsen: Well, I will have the Examiner rule whether that is a proper request or not.

(Testimony of Harold E. Botts.)

Mr. Clark: I will state to the Examiner we will have all of the check books here at noon time.

Trial Examiner Lindsay: Well, I think that any checks pertaining to the subject matter here is a proper request.

Mr. Clark: I agree with that.

Trial Examiner Lindsay: So you have them here.

Mr. Clark: Any checks pertaining to the subject matter is entirely proper for counsel to request, but I am simply asking him to indicate what subject matter he is interested in.

May I ask a question, Mr. Examiner, of Mr. Botts with respect to these checks?

Trial Examiner Lindsay: Yes.

Mr. Clark: Can you get all of the canceled checks of the Associated Farmers of Kings County here this afternoon, Mr. Botts?

The Witness: I believe so, yes.

Mr. Mouritsen: Will you do that, then?

Mr. Clark: Yes, indeed. We will have them here, but I am still saying and insist upon before I produce any of them a specification.

Trial Examiner Lindsay: We can at least decide, Mr. Clark, when the checks are brought in here. [2325]

Mr. Clark: Yes, I wanted the record to show that.

Q. (By Mr. Mouritsen) Now, Mr. Botts, I will direct your attention to Board's Exhibit 14(b)

(Testimony of Harold E. Botts.)

in which—on which appears the figure “barbecues, \$500.39,” and I will ask you how many barbecues that covers, those expenditures cover.

A. That covers two barbecues.

Q. And one of those barbecues was held on the Reden ranch, is that correct?

A. Reden ranch, October 18, 1938.

Q. And one was held on the Salyer ranch, is that correct?

A. One was held on the Salyer ranch about two or three weeks—I don’t remember the exact date—after January 30th.

Q. Of what year?           A. 1939.

Q. And how much did the—I think the expenditure for the first barbecue which was held, as I understand it, on the Reden ranch on October 18th, was \$381.77, is that correct?

Mr. Clark: I object to this on the ground it has all been gone into on cross examination by Mr. Walsh. The testimony is all in on it, Mr. Examiner, and it is simply repetition.

Trial Examiner Lindsay: He may answer.

The Witness: What was the question?

(The question referred to was read by the reporter, as set forth above.) [2326]

The Witness: I believe that is correct.

Q. (By Mr. Mouritsen) And the remainder of the \$500.39 was spent for this subsequent barbecue, is that correct?

A. In substance, that would be correct. I

(Testimony of Harold E. Botts.)

wouldn't want to state absolutely that would be correct, but that is my impression.

Q. Now, I will ask you, Mr. Botts, if the expenditures for the second barbecue included the payment of expenses of any speaker who appeared at the second barbecue?

A. It did. It included the expenses of the speaker.

Q. And was that payment of the expenses of the speaker made by check?

A. Recalling my statement, the expenses of Mr. Penner, a minister of either Kingsburg or Dinuba, were paid by check.

Q. Now, directing your attention, Mr. Botts, to a meeting of the—well, this meeting that has been identified as taking place on January 26th, 1939, at which there was some discussion regarding the farmers or some transportation association, I will ask you if you were present at that meeting.

A. I was.

Q. And you have that meeting in mind, is that correct?

A. Yes.

Q. Now, was Mr.—I believe Mr. Boyett was also present at that meeting?

A. That is my impression, that he was there. [2327]

Q. And at that time there was some discussion, I believe the testimony is, to the effect that Mr.—a Mr. Pennybaker outlined the Farmers Transportation Association, or some such organization, is that correct?

(Testimony of Harold E. Botts.)

A. I believe that is correct.

Q. Do you recall the name of that transportation association? It isn't clear in my mind just what it was.

A. Under testimony I wouldn't want to say this is exact, but I believe it is the Farmers Transportation Association. I may be incorrect. I would rather look that up before I give an answer.

Mr. Mouritsen: Could I have a moment, Mr. Examiner?

Trial Examiner Lindsay: Yes. You may have a ten-minute recess at this time.

(At this point a short recess was taken, after which the hearing proceeded as follows:)

Trial Examiner Lindsay: Hearing called to order.

Mr. Mouritsen: Ready for the Board.

Mr. Examiner, we have a stipulation with reference to Board's 29 for identification.

Will you read it, please, Mr. Clark?

Mr. Clark: Yes.

Mr. Examiner, on behalf of the respondent Associated Farmers of Kings County, Inc., I am willing to stipulate that the document marked Board's Exhibit 29 for identification, being [2328] a photostatic copy of a purported article, a purported page from the Fresno Bee dated January 30, 1939, is a true copy, a true photostatic copy made in Mr. McC Ternan's presence of a document which is at present in a bound volume designated as the "All Edition File" for the month of January, 1939, in the office



(Testimony of Harold E. Botts.)

of the advertising department of the Fresno Bee in the City of Fresno, this state.

Mr. Mouritsen: So stipulated.

Mr. Clark: The purpose for that stipulation is merely to remove the necessary mechanics in proving the photostatic copy was made. I don't intend to waive any requirement to authenticate it or connect it up with these respondents, and on behalf of the remaining respondents—there is no offer yet——

Mr. Mouritsen: On the basis of that stipulation, Mr. Examiner, I will now offer Board's 29 for identification in evidence.

Mr. Clark: To which we object, Mr. Examiner, upon the ground no proper foundation has been laid; the purported article hasn't properly been authenticated, no connection whatsoever has been shown between any respondent in this case in the publication of that article; that it hasn't even been shown that that article came to the attention of any respondents in this case or any member or representative of any respondent and that it is hearsay as to all respondents and is incompetent, [2329] irrelevant and immaterial.

Mr. Mouritsen: Well, with reference to that, Mr. Examiner, I propose later to show, through witnesses, that the paper of which Board's 29 for identification is a sheet, was circulated on that date in the City of Corcoran, so perhaps the offer is a little premature.

(Testimony of Harold E. Botts.)

.. Trial Examiner Lindsay: I will reserve ruling on it.

Q. (By Mr. Mouritsen) Now, Mr. Botts, directing your attention to the barbecue sponsored by the Associated Farmers on Salyer's ranch, I will ask you if you know who made the arrangements for that barbecue.

Mr. Clark: I will object to that upon the ground it is ambiguous, misleading and indefinite. The time should be specifically identified as to the time.

Mr. Mouritsen: The witness has already identified or stated that the Associated Farmers sponsored a barbecue held on Salyer's ranch.

I am just——

Mr. Clark (Interrupting): I don't want any statement——

Trial Examiner Lindsay (Interrupting): I am sure the record is clear. He testified it was some two or three weeks after January 30th. Is that the one you are referring to?

Mr. Mouritsen: Yes, that is correct.

Mr. Clark: That is all I want.

Q. (By Mr. Mouritsen) With that understanding in mind—[2330] I will reframe the question.

I believe you testified that a barbecue was held on Salyer's ranch sponsored by the Associated Farmers some time in February 1939. Do you recall that?

A. I believe that is my testimony, yes.

Q. And that barbecue was held in a tent that

(Testimony of Harold E. Botts.)

was erected at that time, or was at that time erected on the Salyer ranch, isn't that correct?

A. Yes, the tent was still standing.

Q. Do you know who made arrangements for holding that barbecue on the Salyer ranch?

Mr. Clark: Objected to upon the ground it is asked and answered. The entire subject matter was developed by Mr. Walsh.

Trial Examiner Lindsay: He may answer.

The Witness: I cannot give you the names of the particular individuals who made the arrangements, but I am sure that that was sponsored by the Associated Farmers, the barbecue held in February.

Q. (By Mr. Mouritsen) Did you make arrangements for using the tent on Mr. Salyer's ranch?

A. Personally, no.

Q. Do you know who did?

A. No, I can't name the party.

Q. Were you present at any meeting of any officers of the [2331] Associated Farmers when someone was designated to take charge of the arrangements for that barbecue?

A. As far as I can recollect, there was no definite meeting to discuss that.

Mr. Clark: I move that go out as not responsive, and ask that the question be answered.

Mr. Mouritsen: Yes.

Q. Were you present at any meeting of any officers of the Associated Farmers at which someone

(Testimony of Harold E. Botts.)

was appointed to make arrangements for this barbecue at Salyer's ranch?

A. No, I was not present at any meeting. [2332]

Q. Well, were you present at a meeting of the Associated Farmers at which someone was appointed to make arrangements for this barbecue at Salyer's ranch?

A. I don't believe there was any meeting. It was——

Trial Examiner Lindsay (Interrupting): Were you present if there was?

The Witness: No.

Q. (By Mr. Mouritsen) Were you present at any meeting of the Associated Farmers at which time the holding of a barbecue at Salyer's ranch was discussed?

Mr. Clark: Objected to upon the ground it has been asked and answered four or five times.

Trial Examiner Lindsay: Sustained.

Q. (By Mr. Mouritsen) I will ask you also, Mr. Botts, if an application blank for membership in the Associated Farmers has a place for a date on it?

Mr. Clark: Objected to upon the ground it has been asked and answered. The record shows it has not. He answered that on Saturday.

Mr. Mouritsen: That I am not so sure of.

Trial Examiner Lindsay: Well, neither am I. You may answer the question.

The Witness: The application blank has no

(Testimony of Harold E. Botts.)

space for a date. By that, I mean the day on which the application——

Mr. Mouritsen (Interrupting): Does it have any date space [2333] for a date on it at all?

A. There is no printed space for that.

Q. Do you have a number of membership blanks for the Associated Farmers in your possession?

A. Yes.

Q. Do you have any with you now? A. No.

Q. When you bring the checks this afternoon, will you also bring several exemplars of application blanks for membership in the Associated Farmers?

Mr. Clark: We will bring them with us.

Mr. Mouritsen: You may inquire.

Mr. Clark: Mr. Examiner, I would like the record to show that my right to move to strike certain testimony elicited by Mr. Mouritsen on the cross examination of this witness with respect to statements made by Mr. Harry Lee Martin at the barbecue of January 30th, 1939, which Mr. Mouritsen promised to connect up, be reserved until your Honor has passed upon the admissibility of Board's Exhibit 29 for identification. The motion should come at this time, and I understand there is to be a further showing with respect to that Exhibit.

Trial Examiner Lindsay: Well, both the motion to strike and the reception of the Exhibit marked for identification as Board's Exhibit 29 are reserved.

Mr. Clark: Very well; thank you. [2334]



(Testimony of Harold E. Botts.)

Redirect Examination

Q. (By Mr. Clark) Mr. Botts, during your cross examination by Mr. Mouritsen on last Saturday morning, you testified in effect that the only dates you furnished on the copy of Board's Exhibit No. 11, being the membership list, were those concerning which applications had been made in your presence on the night of the barbecue at the Reden ranch.

Do you remember that testimony?

A. I remember it.

Q. Will you please tell us when that barbecue took place?

A. On the evening of October 18th, I believe, 1938.

Q. What year?                      A. 1938.

Q. And was that the barbecue to which you were referring when you made answer to Mr. Mouritsen's questions in that regard, namely, the barbecue of October, 1938?

A. The question isn't quite clear.

Mr. Clark: I will withdraw it.

Q. And was that the barbecue to which you were referring on Saturday morning in answering Mr. Mouritsen's questions?

Mr. Mouritsen: May we have the statement made to the witness so he won't be misled?

Mr. Clark: I did in the prior question. May I have the prior question, please?

Trial Examiner Lindsay: Yes. Read the prior question. [2335]



(Testimony of Harold E. Botts.)

(The question referred to was read by the reporter, as set forth above.)

Mr. Clark: Read the question before that.

(The question referred to was read by the reporter, as set forth above.)

Q. (By Mr. Clark) When you told Mr. Mouritsen on your cross examination that certain membership applications were taken in your presence, and that those were the ones which you had furnished specific dates for on the copy of Board's Exhibit 11, am I correct in stating that you were referring to the barbecue at Reden's ranch on October 18th, 1938?

A. That is correct; the meeting at Reden's ranch on October 18th, 1938.

Q. Now, with respect to the amounts which Board's Exhibit 14-B indicate—withdraw that.

With respect to the amounts which Board's Exhibit 14-A and 14-B indicate were paid by the Associated Farmers of Kings County, Inc. for barbecues, would you please tell us whether or not the first amount paid included the purchase of this equipment we have been discussing?

A. That is the benches and seats?

Q. Yes.

A. I believe that is correct. It included that amount.

Q. All right.

And then from time to time, later, were there further bills [2336] which were paid for that

(Testimony of Harold E. Botts.)

equipment which hadn't come in at the time you made out the financial statement of November 22nd, 1938?

A. Some of the bills were paid subsequent to November 22nd.

Q. Am I correct in stating, then, that the figure \$500.39 which appears on Board's Exhibit 14-B is the total cost to the Associated Farmers of Kings County, Inc. for the two barbecues you have mentioned, namely, that of October 18th, 1938, and the one in the middle of February, 1939, plus the cost of equipment which you purchased for the purpose of holding those barbecues?

A. I believe that is correct; the figure given here, \$500.39, was arrived at on a different date than November 22nd, which appears on the other.

Q. All right.

But the thing I am after is this: Are the items which that figure covers the cost of the two barbecues I have mentioned, plus the equipment which you still have?

A. I believe so. I believe that is correct.

Q. On your cross examination, Mr. Botts, by Mr. Mouritsen, with respect to Board's Exhibit 29 for identification, you were asked whether an examination of that document refreshed your recollection with respect to whether or not Mr. Harry Lee Martin's name had been mentioned at the Executive Committee meeting of January 28th, 1939, held at Peden's Cafe in Hanford. [2337] Do you remember that question being asked?

(Testimony of Harold E. Botts.)

A. Yes, I remember the question being asked. [2338]

Q. And I believe you answered that your recollection was refreshed in that connection?

A. Yes, sir.

Q. Will you please tell us what you mean by that?

A. I mean——

Mr. Mouritsen (Interrupting): Objected to as already asked and answered.

Mr. Clark: I submit it.

Trial Examiner Lindsay: He may answer.

The Witness: I mean I am absolutely sure that no mention of Harry Lee Martin was made at that meeting.

Mr. Clark: All right.

Q. Now, am I also correct in stating that no mention of Harry Lee Martin's name was likewise made—withdraw that.

Am I also correct in stating that no mention of Harry Lee Martin was made at the directors' meeting of January 26th?

Mr. Mouritsen: Objected to as leading and suggestive.

Mr. Clark: It is redirect examination. I will withdraw the question.

Q. Will you state whether Harry Lee Martin's name was mentioned at the directors' meeting of January 26th, two days prior to the executive committee meeting?

(Testimony of Harold E. Botts.)

A. It was not mentioned, and to my recollection it has never been mentioned; the name of Harry Lee Martin has never been mentioned previous to this barbecue on the Salyer ranch [2339] of January 30th.

Q. I see.

What do you mean by that, please?

Mr. Mouritsen: I will move to strike that part of the question as not in response to the answer on the ground it is not responsive in that——

Mr. Clark (Interrupting): It may go out, Mr. Examiner, and let me have the question again and the answer.

Trial Examiner Lindsay: Yes, read the question and answer.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: The answer may go out.

May I have the answer to that question, please?

The Witness: His name was not mentioned.

Mr. Clark: All right.

Q. Then am I correct in stating, Mr. Botts, that the first you heard about Harry Lee Martin speaking at any barbecue was when you saw him there at the Salyer ranch on the evening of January 30th?

A. That is correct.

Q. By the way, had you known Mr. Martin prior to this time?      A. I have.

Q. Will you please tell us whether or not he is engaged in farming in this community? [2340]

(Testimony of Harold E. Botts.)

Mr. Mouritsen: Objected to as incompetent, irrelevant and immaterial.

Mr. Clark: Well, I think it is quite pertinent, Mr. Examiner, so long as he is a man of mystery.

Trial Examiner Lindsay: He may answer.

The Witness: I have never known of him in that connection previous to this barbecue of January 30, 1938—1939.

Q. (By Mr. Clark) Did you know whether or not he represented any financial institution in Los Angeles which owns a ranch or ranches here in this vicinity?

A. I learned it afterwards. I didn't know it previous to that meeting.

Q. I see.

Now, just so we may be sure about it, Mr. Botts, I want to ask you again whether you personally took any part whatsoever in the events which have been described in this case as having occurred at the Boswell plant on the morning of January 30th.

Mr. Mouritsen: Objected to as already asked and answered.

Mr. Clark: Not by me.

Trial Examiner Lindsay: He may answer.

The Witness: No, I had no connection with it.

Mr. Clark: All right.

Q. And did you have any connection whatsoever with those [2341] events in your capacity as secretary of the Associated Farmers of Kings County, Incorporated?

A. Can I have that question read?

(Testimony of Harold E. Botts.)

(The question referred to was read by the reporter, as set forth above.)

The Witness: The event—referring to——

Q. By Mr. Clark (Interrupting): I mean at the Boswell plant on the morning of January 30th.

A. No, I had no connection with it.

Q. And so far as you know, did any other officer of the Associated Farmers of Kings County have any connection with asking the pickets to leave the Boswell plant on the morning of January 30th?

A. No, not to my knowledge.

Q. Will you state whether or not the Associated Farmers of Kings County, Incorporated, in any way, manner, shape or form had anything to do with asking the pickets to leave the Boswell plant on the morning of January 30, 1939?

A. They had nothing to do with it as far as I know.

Mr. Clark: Very well. That is all.

#### Recross Examination

Q. (By Mr. Mouritsen) Now, Mr. Botts, you understand the sanctity of the oath you have taken in this regard, is that correct?

A. I do. [2342]

Q. And you realize that if a man makes a wilful misstatement of the facts or if he wilfully withholds information that he has, he is subject to prosecution?

Mr. Clark: I object to that on the ground it is



(Testimony of Harold E. Botts.)

absolutely uncalled for with respect to this or any other witness, and is an improper way of addressing a witness. He is presumed to speak the truth and if he doesn't, everybody knows that he has to suffer the consequences.

Mr. Mouritsen: Well, I just want the witness to understand the matter.

Mr. Clark: That doesn't add anything.

Trial Examiner Lindsay: He may answer the question.

The Witness: What was the question referred to?

(The question referred to was read by the reporter, as set forth above.)

The Witness: I do.

Mr. Clark: I object to that as improper recross examination.

Trial Examiner Lindsay: He may answer.

Q. (By Mr. Mouritsen) Now, I will direct your attention to page 2292 of the official transcript for June 10, 1939, volume 17.

Trial Examiner Lindsay: May I just make one short statement?

It is difficult to properly pass upon objections when not [2343] made at the proper time. Now, after a question has been answered, the proper thing to do if you wish to preserve the record is to make a motion to strike. Now, I have ruled that he may answer that question, and I believe he did answer it, and subsequent to the answer you made

(Testimony of Harold E. Botts.)

a second objection, Mr. Clark, so the record——

[2344]

Mr. Clark (Interrupting): I didn't mean to, and I will withdraw it if there is a second objection in there. I simply—well, may I have the page of the transcript you are referring to, Mr. Mouritsen?

Mr. Mouritsen: Page 2292, line 21, beginning at line 21.

Do you have it, Mr. Clark?

Mr. Clark: Yes, line 21.

Mr. Mouritsen: Beginning with line 21.

Q. Now, at that time, Mr. Botts, I asked you the question:

“Now, Mr. Botts, I will ask you if at that time it wasn't discussed that Mr. Harry Lee Martin would be a later speaker for the Associated Farmers?”

Answer by yourself: “I don't recall that.”——

Mr. Clark (Interrupting): May I have the witness's attention called to the time this is directed to?

Trial Examiner Lindsay: It is directed to him in the record there.

Mr. Clark: There is nothing in it to indicate the time. Let us have it.

Mr. Mouritsen: If I can have an opportunity to read the transcript without being continually interrupted, Mr. Examiner, I can complete the examination of this witness in short order. But counsel continuously breaks in and makes statements and interrupts, and I can't do a thing.

(Testimony of Harold E. Botts.)

Trial Examiner Lindsay: Now, I think in all fairness that [2345] the record is there, and I would like to have the record read without statements being made in the presence of a witness.

Now, if you wish to object to reading the record, that is another matter.

Mr. Clark: I have no objection to it. I simply wanted the time indicated.

Mr. Mouritsen: Well, I will continue with the reading of it.

Trial Examiner Lindsay: Read the record as it is.

Q. (By Mr. Mouritsen) The question from myself to you:

“Q. Now, Mr. Botts, I will ask you if at that time it wasn’t discussed that Mr. Harry Lee Martin would be a later speaker for the Associated Farmers?”

By yourself:

“A. I don’t recall that. I would say no if I was to be definite, but I wouldn’t want it to be definite. I don’t think Harry Lee Martin’s name was mentioned.”

Now, as I recall the testimony at that time, it was with reference to this meeting of January 28th, 1938, at Peden’s Cafe—and I will ask counsel if he won’t stipulate that that is the context?

Mr. Clark: Yes, I think that is right.

Q. (By Mr. Mouritsen) Now, I will ask you if you recall giving that testimony that I read to you, on Saturday morning, June 10th, 1939? [2346]

(Testimony of Harold E. Botts.)

Mr. Clark: Now, before the witness is called upon to answer that question, Mr. Examiner, I suggest that counsel follow the proper method of impeaching the witness, and that is to show him the testimony upon which he is being questioned so he has a chance to examine it.

Trial Examiner Lindsay: Yes; he may do that.

Mr. Mouritsen: I will accept Mr. Clark's suggestion.

Q. Now, Mr. Witness, I indicate to you on page 2292 the portion of the testimony that I just read to you, and it continues over on page 2293 to line 1—and disregard the crowsfeet.

Do you recall giving that testimony on Saturday morning?      A. I do. [2347]

Q. (By Mr. Mouritsen) Now, with reference to Harry Lee Martin's name, I believe you stated that your recollection was refreshed in that regard by my showing you Board's Exhibit 29 for identification, the article contained therein, is that correct?

A. Yes.

Q. Now, was that the only thing that refreshed your recollection with reference to Harry Lee Martin, that is, my showing you the article in Board's 29 for identification?

A. Was that the only thing? Was that the question?

Q. That is, as I understand it, the question.

A. No, I wouldn't say that was the only thing.

Mr. Mouritsen: I think that is all.

(Testimony of Harold E. Botts.)

Mr. Clark: No further questions.

Trial Examiner Lindsay: That is all.

(Witness excused.)

Mr. Clark: Mr. Examiner, we will call Mr. Mouritsen, please, on behalf of all respondents.

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FRANK A. MOURITSEN

called as a witness by and on behalf of all respondents, having been first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Clark) Mr. Mouritsen, you are an attorney at law, [2348] of course?

A. Yes, Mr. Clark?

Q. And you are employed by the National Labor Relations Board, are you? A. That is correct.

Q. And will you please state whether or not you have been in active charge of the preparation and presentation of the case which is now on trial before the Examiner?

A. Well, in general, yes. I have had part of the preparation of the case.

Q. I see.

I am *correcting* stating, am I not, that you have during the trial examined Mr. W. R. Johnston, one of the witnesses produced on behalf of the Board, that is, on the stand?

A. Yes. I recall examining Mr. Johnston.

Q. Will you please tell us whether or not prior to

(Testimony of Frank A. Mouritsen.)

June 5, 1939, which I believe is a week ago today you discussed this case in any manner whatsoever with the witness Johnston.

A. (Pause) I am not certain in that regard, Mr. Clark. As I told you before, I have had only part of the preparation. You see, the usual procedure in investigating these cases is that a field examiner first appears upon the scene and talks with the people preferring the charges, and also talks with the employer in order that he may obtain a fair and impartial picture. He often takes statements from witnesses that are [2349] later turned over to me.

Now I don't—whether Mr. Johnston talked with me before that time or whether he merely talked with an Examiner, I am not certain. I have Mr. Johnston's statement. I don't know whether it is dated or not.

Q. All right.

Now, let me direct your attention, Mr. Mouritsen, to the record in this case which shows that Mr. Johnston testified on behalf of the Board on May 19th of this year, which is now some four or five weeks ago, and that on that occasion he was examined, that being the first time he was called to the stand.

Can you tell us whether or not, or do you have anything other than what you have just given us with respect to whether or not you talked to Mr. Johnston prior to that time?

A. Mr. Clark, in that respect I will state that



(Testimony of Frank A. Mouritsen.)

I have no definite recollection of talking with Mr. Johnston. However, in view of the fact that I invariably go over my case with each witness and in view of the fact that I cross examine him as to any statement that he has made, I would say that before that time I had talked with Mr. Johnston.

Q. Very well.

Now, am I also correct in stating that on that occasion, that is, when Mr. Johnston took the stand in this case on May 19, you examined him from a statement which had thereto- [2350] fore been furnished to you by some representative of the Board?

A. Well, now, I am afraid I don't get that question.

Mr. Clark: May I have it read back, Mr. Examiner?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

The Witness: Yes, that is correct.

Q. (By Mr. Clark) And can you tell us whether or not, Mr. Mouritsen, Mr. Johnston had talked to that representative who procured the statement prior to the time you put him on the stand here?

A. Of course, Mr. Clark, that would be based also on hearsay, and I have heard you object very strenuously to the introduction of that type of evidence, but I would say he probably did talk.

Q. Have you the statement here?

A. I believe I have.

(Testimony of Frank A. Mouritsen.)

Q. May I have the date of it, if it has a date. I don't care to look at it.

A. They are in the other folder, Mr. McTernan, labeled "Statement of witnesses."

Mr. McTernan: It is not dated.

The Witness: Will you show it to Mr. Clark, please, Mr. McTernan? [2351]

(The document referred to was passed to Mr. Clark.)

Q. (By Mr. Clark) Do you know who took this statement?

A. That I don't, Mr. Clark. I may have taken it myself or it may have been taken by one of the field examiners who made the examination that led to this hearing.

Q. All right.

At any rate it was taken some time previously to May 19th when Mr. Johnston took the stand and testified?

A. That is correct.

Q. Now, between that time, Mr. Mouritsen, and June 5th, which is a week ago last Monday, and at which time Mr. Johnston was recalled as a witness for the Board, do you know whether you talked further with him concerning this case?

A. With reference to that, Mr. Clark, my impression is that I did not. I do recall that at the time that Mr. Farr and Mr. Johnston were called I believe I made the statement that we were calling them out of order in order that they could take employment elsewhere. Now as I recall, Mr. Farr and

(Testimony of Frank A. Mouritsen.)

Mr. Johnston left immediately after they testified and were employed some place in Hanford, I believe. I then wrote to Mr. Farr who had an address there, who left me his address, and asked when Mr. Johnston could return for the Associated Farmers' part of the case.

Q. I see.

A. And my impression is that I only saw him on the morning on which he testified the second time, which I believe you [2352] said was June 5, 1939.

At that time, I believe my only conversation with him was "Are you prepared to go on at this time," or "Can we take you at this time," or something of that sort.

Q. So far as you recollect now, you didn't discuss his testimony with him at that particular time?

A. No, I don't believe I did.

Q. All right.

Do you know where Mr. Farr and Mr. Martin are employed in Hanford?

A. Well, I think, Mr. Clark, I would have to object to that as an immaterial question. I do have it, but I don't think it would serve any purpose in revealing it to you. There have been people in this case who have been discriminated against or have been treated differently than in an ordinary way, because of Union membership.

Mr. Clark: I will ask that that go out, Mr. Examiner.

Trial Examiner Lindsay: It may stand.

(Testimony of Frank A. Mouritsen.)

Mr. Clark: As a conclusion of this witness.

Trial Examiner Lindsay: The objection is sustained.

Mr. Clark: May the answer go out? There was a motion to strike.

Trial Examiner Lindsay: I understand. There was also an objection to answering.

Mr. Clark: I see.

Trial Examiner Lindsay: Made by the witness himself and—— [2353]

Mr. Clark (Interrupting): And you are sustaining Mr. Mouritsen's objection?

Trial Examiner Lindsay: I sustained his objection.

Mr. Clark: Then may the answer go out?

Trial Examiner Lindsay: Yes.

Mr. Clark: Very well.

I will be just one minute, Mr. Examiner. I am trying to find some testimony here.

Now, I call to the Examiner's attention with respect to the last question which asked for the place of employment of Mr. Johnston and Mr. Farr, the fact that on May 19th, 1939, Mr. Johnston in response to this question put by me, testified as follows—this is on page 230 of the transcript, line 15——

“Q. (By Mr. Clark) Mr. Johnston, are you employed at the present time? “A. What?

“Q. Are you employed at the present time?

“A. No, sir.”

(Testimony of Frank A. Mouritsen.)

I just want your Honor to have that in mind in ruling on my request made of Mr. Mouritsen to give us the place where the gentleman apparently is now employed so as to find out if he was employed at the time he testified.

The Witness: I will withdraw my objection, Mr. Clark, and answer that I don't know; that the only address that Mr. Farr left me, as I recall, was General Delivery, Mendota. [2354]

Q. (By Mr. Clark) I see.

You do know that he is employed now, and that is the reason you let him go at the time he first testified, I think you said?

A. I let him go for the purpose of taking up this employment.

Mr. Clark: I see. Now, I suggest if your Honor will take the noon recess I can locate the testimony given by Mr. Farr that I want to examine Mr. Mouritsen on.

Trial Examiner Lindsay: Yes.

Off the record.

(Discussion outside the record.)

Trial Examiner Lindsay: We will adjourn until 2:00 o'clock.

(Thereupon, at 12:05 o'clock P. M., a recess was taken until 2:00 o'clock P. M. of the same date.) [2355]

After Recess

(Whereupon, at 2:00 o'clock p. m., the hearing was resumed, pursuant to the recess.)

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: The respondents are ready, Mr. Examiner.

Mr. Mouritsen: Ready for the Board, Mr. Examiner.

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FRANK A. MOURITSEN

the witness on the stand at the time of recess, having been previously duly sworn, resumed the stand and further testified as follows:

Direct Examination

(Continued)

Q. (By Mr. Clark) Now, Mr. Mouritsen, will you please state whether or not you know where Mr. Farr was working—withdraw that.

Will you please state, if you know, where Mr. Farr was working on May 22, 1939, when he testified in this case?

A. Did he testify on the 22nd of May?

Q. Yes. The record shows that he testified on May 22, 1939.

A. Here is my recollection as to that——

Mr. Clark (Interrupting): Page 300, Mr. McC Ternan.

The Witness (Continuing): At the beginning, on or about May 18th, at the time we started the case, Mr. Farr and Mr. Johnston came to me and told me that they were just about to secure employment. [2356]



(Testimony of Frank A. Mouritsen.)

Q. (By Mr. Clark) I see.

A. And in order that it might not be interrupted by having them recalled, since the place, I think Mendota, is about 100 miles away, that if I could take them at that time, put them on right at the beginning of the case, they would appreciate it. I think that was the statement I made at the time.

Q. All right.

A. In other words, they were just going to take employment at that time.

Q. I see.

And did you know where Mr. Farr has been employed since that time?

A. No, I don't, other than it is near—I suppose—Mendota, since *that where* he picked up his mail.

Mr. Clark: That is all.

#### Cross Examination

Q. (By Mr. McTernan) Was Johnston employed on May 19th when he testified here?

A. My information was that he was not, that he wanted to be put on at that time in order that he might subsequently take this employment that he had secured.

Q. The same applies to Mr. Farr? A. Yes.

Mr. McTernan: That is all.

Mr. Clark: No further questions.

(Witness excused.) [2357]

Mr. Clark: Now, Mr. Examiner, as a part of the Associated Farmers' case, that is, the Associated

Farmers of Kings County, I would like to be sworn.

Mr. Mouritsen: I will waive the oath with reference to Mr. Clark, Mr. Examiner.

Mr. Clark: I would rather take it.

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WEBSTER V. CLARK

called as a witness by and on behalf of the Associated Farmers of Kings County, Inc., having been first duly sworn, was examined and testified as follows:

Direct Examination

The Witness: Mr. Examiner, my name is Webster V. Clark. I am attorney at law and have been admitted to practice in all of the courts of this State since 1924, that is, for the past fifteen years; also in the Federal Courts, that is, the United States District Court for the Northern and Southern Districts of California and on motion in the United States District Court for the District of Oregon.

I also have conducted litigation, or rather done law work, in the State of Pennsylvania.

My office is at 111 Sutter Building in San Francisco, and I am a member of the firm of Rogers and Clark.

On last September, September of last year, I completed a three-year term representing the City and County of San Francisco on the Board of Governors of the State Bar of this [2358] State.

I would like to state for this record, Mr. Examiner, and directing my testimony particularly to the

(Testimony of Webster V. Clark.)

afternoon of Friday, June 2nd of this year, which was a week ago last Friday, that so far as I remember I was never present at any conversation held between Mr. Bill Boswell, Lloyd Liggett, Forrest Riley, E. C. Salyer, and myself and Mr. Painter of my office and that at no time in my hearing did Mr. E. C. Salyer state, in substance or effect: "I really got them told, didn't I?" Nor did Mr. Salyer say, in substance or effect, "We all tell the same story and the case will have to go just as we tell it," nor did Mr. Lloyd Liggett state in my hearing, in substance or effect, "I am going to get up and tell the same story that you guys told and get plenty tough with them," nor did any one of those people nor anyone else at that time or place or at any other time laugh as the result of any such remarks. [2359]

What did happen, and of which I have a very clear recollection on, was that after Mr. Salyer testified and your Honor ordered a recess during the afternoon of Friday the 2nd, I believe it is, June 2nd, I stepped out in the yard in front of the hall and there was grouped there indiscriminately men who had testified in support of the Union in this case, and also people who were identified with the Respondent side of the case. I don't remember whether I saw Mr. Winslow, but I think that I can be certain that there were certainly members of the Union standing quite close to me.

I walked up to Mr. William Boswell who, as I understand it, is the head of the cattle department

(Testimony of Webster V. Clark.)

of the Boswell Company, and simply to talk with him, and he at that time introduced me to his son, and asked me to a barbecue luncheon which was being given the following day, Saturday, at the Reden ranch for a youngster's organization called the Future Farmers, which, he said, would be two or three hundred youngsters there; and he asked me to come if I wasn't doing anything.

I told Mr. Boswell that I hoped to catch the 11:00 o'clock train out for San Francisco, and that in the event I didn't catch it, if we were held up here and I felt well enough to go, I would come to the Reden ranch.

At that moment I distinctly remember E. C. Salyer, who had just been on the stand, coming up and taking me by the arm and saying in substance to me that it might look foolish, but [2360] he actually couldn't remember the persons present or concerning the matters on which he was being questioned. And in response to that, I said to Salyer in an ordinary tone of voice, so that anyone could hear, in substance: "Well, that is all right, E. C.; you do the best you can and you will be all right."

Now, that is what actually happened and that is all that happened, and if Mr. Winslow had any other understanding, he is simply mistaken.

You may cross examine.

Mr. Mouritsen: No questions.

(Witness excused.)

Mr. Clark: Mr. Painter, please?

Mr. Mouritsen: I will waive the oath, Mr. Examiner.

Mr. Painter: I will take it.

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### JOHN PAINTER

a witness called by and on behalf of the Respondent, Associated Farmers of Kings County, Inc., being first duly sworn, was examined and testified as follows:

#### Direct Examination

Q. (By Mr. Clark) Mr. Painter, am I correct in stating that you are a duly admitted attorney at law in all of the courts of this State?

A. That is correct.

Q. You are likewise admitted to the United States District Court for the Northern District of California? [2361]

A. That is right.

Q. And are you employed by my office, namely, Rogers and Clark of San Francisco?

A. I am.

Q. And have you been associated with me in the trial of this case?

A. I have been so connected.

Q. Directing your attention to the afternoon recess on Friday, June 2nd, in this matter, I will ask you whether you were present at any time during that recess at any conversation between Bill Boswell, Lloyd Liggett, Forrest Riley, E. C. Salyer, myself and yourself?

(Testimony of John Painter.)

A. I don't recall any conversation with that group. [2362]

Q. At any time during that recess, Mr. Painter, will you please tell us whether Mr. E. C. Salyer said in your hearing in substance or effect, "I really got them told, didn't I?"

A. No such statement was made within my hearing at any time.

Q. And will you please tell us whether or not at that time and place Mr. Salyer stated in substance or effect, "We all tell the same story and the case will have to go just as we tell it?"

A. No such statement as that was made in my hearing at any time.

Q. Will you please state whether or not at that time or place in your hearing Mr. Lloyd Liggett stated in substance or effect, "I am going to get up and tell the same story that you guys told and get plenty tough with them?"

A. No such statement as that was made at any time within my hearing.

Q. Will you please state to the Examiner what you heard at the recess on Friday, June 2nd, if it is material?

Go ahead and tell us.

A. I don't recall any particular conversation at that recess. I don't recall being within a group of all of those people. It may be possible that I talked with some of them, and I couldn't repeat my conversation, but I do know that no such conversation as that was ever—ever took place in my [2363]



(Testimony of John Painter.)

hearing at that time or at any other time during this trial.

Mr. Clark: You may cross examine.

Mr. Mouritsen: No questions.

Mr. Clark: That is all.

(Witness excused.)

Mr. Clark: With respect to Mr. William Boswell on the same subject matter, Mr. Examiner, and with the exception of the motion to strike which was reserved this morning, that completes the defense of the Associated Farmers of Kings County. With respect to the balance of the case, I would like to make this statement: That where evidence bears upon the credibility of witnesses, anything of that sort, I intend that that evidence shall apply equally to the Associated Farmers' case.

My statement that this completes the defense of the Associated Farmers means really that this is all of the direct evidence we are going to put on in support of the Farmers with one exception, which I just forgot. I would like to call Mr. Robinson, please.

Trial Examiner Lindsay: You are recalling Mr. Robinson.

Mr. Clark: I am calling him as a witness on this phase of the case, yes.

## LOUIS T. ROBINSON

recalled as a witness by and on behalf of the Associated [2364] Farmers of Kings County, Inc., having been previously duly sworn, was examined and testified further as follows:

## Direct Examination

Q. (By Mr. Clark) Mr. Robinson, you have been sworn in this case before, haven't you?

A. Yes, sir.

Q. Will you please state whether or not J. G. Boswell Company, one of the respondents in this proceeding, owns the Reden ranch?

A. They do not.

Q. Am I correct in stating that the Boswell Company does have a lease on the ranch?

A. The Boswell Company leases this ranch for a cattle range.

Q. All right.

Now, at the Boswell ranch are there any buildings or equipment which ordinarily would not be present on a cattle ranch?

Mr. Mouritsen: May the time be fixed?

Q. (By Mr. Clark) Now, and through all of the time we have discussed in this case.

A. You are referring to the Reden ranch?

Q. Yes, I am.

A. Mr. Reden had a duck club at the ranch, and there was rather a club house, and quite a lot of equipment there for [2365] that need.

Q. For entertainment? A. Yes, sir.

Q. And will you please tell us whether there has

(Testimony of Louis T. Robinson.)

been any practice followed since we will say—well, take July 1st of last year, which I think is the first date of any importance in the present proceeding, with respect to allowing different organizations to use the ranch for barbecues?

A. Mr. Reden had been in the habit of doing that, and we continued the practice.

Q. May I have that answer again?

A. Mr. Reden had been in the habit of doing that, and we continued the practice.

Q. Can you state the names of any organizations which have been allowed to have barbecues at the Reden ranch since the first of the present year?

A. Since the first of the present year?

Q. Yes. Take the year 1939.

Mr. Mouritsen: Objected to as immaterial.

Mr. Clark: I simply want to show the practice, Mr. Examiner, because there is some inference that the fact that the Associated Farmers' barbecue was held at the Reden ranch somehow ties in the Boswell Company. There was a question asked on that. That is the purpose of this.

Trial Examiner Lindsay: Well, he may answer. [2366]

The Witness: 1939—I believe I just recall that what I know as the 4-H Club, a group of boys, were allowed to have a barbecue there; the peace officers held a barbecue there, and the Corcoran Social Club known as the Uplifters, held a barbecue.

Q. (By Mr. Clark) And then in the fall of

(Testimony of Louis T. Robinson.)

1938, am I correct in stating that the Associated Farmers held a barbecue there?

A. The Associated Farmers had a barbecue there, and the Company——

Mr. Mouritsen: I object to this as a voluntary statement on the part of the witness. He has answered the question.

Mr. Clark: The Associated Farmers had a barbecue there, was that the answer?

Mr. Mouritsen: Yes.

Q. (By Mr. Clark) In addition to that, am I correct in stating that the Boswell Company employees had held barbecues there on various occasions?

A. The Company gave a barbecue for all of its employees and their families. This was a kind of a compliment to the Company baseball team.

Q. All right.

On any of those occasions, was any charge made by the Company to any of these organizations for the use of the ranch? A. None whatever.

Mr. Clark: That is all. [2367]

#### Cross Examination

Q. (By Mr. Mouritsen) I believe you stated the Reden ranch is now under lease by the Boswell Company? A. That is correct.

Q. And how long has it been leased by the Boswell Company?

A. Two or three years. I don't remember.

Q. Who is the head of operations for your Company at that ranch? A. W. W. Boswell.

(Testimony of Louis T. Robinson.)

Q. Do you have a foreman at the ranch itself?

A. We usually keep a caretaker there, and a cowboy, if we have cattle.

Q. I see.

A. I don't know whether he is there or not.

Q. But it isn't—you don't operate it as you do some other farms where you carry on farming operations, is that correct?

A. We have no farming operations at all there.

Mr. Mouritsen: I think that is all.

Mr. Clark: No further questions, Mr. Robinson.

(Witness excused.)

Mr. Clark: I will repeat, Mr. Examiner, with the exception of Mr. Boswell that completes the direct showing as far as the Associated Farmers of Kings County is concerned, and I again state that I would like it understood, however, that as to the evidence that comes in respecting the balance of the case, any- [2368] thing bearing upon the credibility of witnesses, or anything relevant to the Associated Farmers' case, is intended by me to be relied on in defense of that case.

Mr. Mouritsen: How about Mr. Botts?

Mr. Clark: I will turn him over to you. He is here, and so are the checks and so is the form of application.

I don't think Mr. Botts' cross examination was completed, Mr. Examiner, because there were certain demands left with us to comply with during the noon hour.

Mr. Mouritsen: Then could we recall Mr. Botts at this time?

Trial Examiner Lindsay: I have one question I would like to ask Mr. Robinson.

There is nothing provided in your lease with the owner of the Reden ranch to the effect that you must grant those privileges to hold various types of entertainment upon that ranch, is there?

Mr. Robinson: I didn't make the lease, Mr. Examiner, and have never read it, but I am satisfied that there is nothing in there to that effect.

Trial Examiner Lindsay: There is nothing in there, you say?

Mr. Robinson: Nothing in there requiring us to do that.

Trial Examiner Lindsay: All right.

Mr. Clark: Mr. Botts. [2369]

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### HAROLD E. BOTTS

recalled to the stand by and on behalf of the Respondent, Associated Farmers of Kings County, Inc., having been previously duly sworn, was further examined and testified as follows:

#### Cross Examination

(Continued)

Q. (By Mr. Mouritsen) Now, Mr. Botts, when you were on the stand this morning, you were requested to bring to the hearing all cancelled checks of the Associated Farmers of Kings County, Inc.



(Testimony of Harold E. Botts.)

from the beginning of that organization until the present time.

Do you have those cancelled checks with you?

A. I have turned them over to Mr. Clark.

Mr. Clark: I will state for the record, Mr. Mouritsen, that I have here what purports to be all the cancelled checks of the Associated Farmers of Kings County, Inc. from the beginning of the organization up to the present time, the exact dates being October 19th, 1938 up to and including June 7th, 1939. [2370]

Trial Examiner Lindsay: May I off the record make a suggestion?

Mr. Clark: Yes.

(Discussion outside the record.)

Trial Examiner Lindsay: On the record.

Mr. Clark: Also in connection with the demands made this morning upon Mr. Botts, I will now hand to counsel a form of application for membership of the Associated Farmers of Kings County, Inc., a blank which I have just removed from a book containing similar blank applications handed me by Mr. Botts.

Those are all the same in the book?

The Witness: Yes, all printed at the same time.

Mr. Mouritsen: May the blank that counsel has handed to me be marked Board's 30 for identification?

(Testimony of Harold E. Botts.)

(Thereupon the document above referred to was received and marked as Board's Exhibit No. 30 for identification.)

Q. (By Mr. Mouritsen) Now, Mr. Botts, I will show you a document that has been marked Board's Exhibit 30 for identification, and ask you if that is the application blank used by the Associated Farmers of Kings County, Inc., from November 1938 to the present time?

A. That is the same form. I believe there is another of a different print that has, in substance, this additional information: "50 cents of the amount paid will apply to a year's subscription to the Associated Farmers publication." [2371] That is the only difference.

Q. Well, during the year 1938 isn't it true that you used application blanks that were considerably larger than Board's Exhibit 30 for identification and were yellow in color?

A. Not to my recollection.

Q. Well now, just how long have you been using Board's 30 for identification?

A. I ordered those printed—offhand I would say some time around the 10th of October.

Mr. Clark: Of last year?

Q. (By Mr. Mouritsen) Of what year?

A. 1938, and the second group was ordered printed some time, I would say, in the month of February—near the month of February.

Q. Of 19——

(Testimony of Harold E. Botts.)

A. (Interrupting) 1939, both printed locally.

Mr. Mouritsen: I will offer Board's 30 for identification in evidence.

Mr. Clark: Objected to on the ground it is incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: Board's 30 may be received.

(Thereupon the document above referred to was received and marked as Board's Exhibit No. 30.)

Q. (By Mr. Mouritsen) Well, no matter whether a dollar or \$100 is paid by the applicant, you say 50 cents of that goes [2372] into—what was that?

A. A subscription, yearly subscription, to the publication put out by the Associated Farmers.

Q. And that publication is put out by the state organization, is that correct? A. Yes.

Q. You remit that subscription money to the state organization upon receipt of the application?

A. That is correct.

Mr. Mouritsen: Now, perhaps we could take a short recess, Mr. Examiner, for the purpose of getting together about the checks.

Trial Examiner Lindsay: Yes.

Mr. Clark: Very well.

(At this point a short recess was taken, after which proceedings were resumed as follows:)

Trial Examiner Lindsay: Hearing called to order.

(Testimony of Harold E. Botts.)

Mr. Mouritsen: Mr. Examiner, may the record show that during the recess Mr. Clark and I have consulted regarding the cancelled checks of the Associated Farmers of Kings County, Inc., from its inception to the present time; that he has turned over to me all cancelled checks except one that has reference to payment to himself; and I am not pressing that matter at all; otherwise that he has turned over to me [2373] all cancelled checks of the Association from its inception to the present time.

Trial Examiner Lindsay: All right.

Q. (By Mr. Mouritsen) Now, Mr. Botts, I show you a canceled check and ask you if that is your signature that appears on it?

A. (Examining document) It is.

Q. And you will note that it is made out to Mickey Willis, is it not?

A. (Examining document) Yes, it is.

Q. Can you state the circumstances under which, or the payment for what that was given to Mr. Mickey Willis?

Mr. Clark: May we have the date indicated, Mr. Examiner.

Trial Examiner Lindsay: Yes.

Mr. Mouritsen: The check bears date February 16, 1939.

Q. Isn't that correct?

A. (Examining document) Yes.

This check was made out to Mickey Willis to cover his labor and, I believe, another Willis boy

(Testimony of Harold E. Botts.)

during the—for helping in the parking of the cars at the barbecue at the Salyer's ranch on the night of February 14th and also for helping clean dishes and clean up around there.

Q. Now, wasn't Mr. Willis at that time a member of the Associated Farmers?

A. For your information, Mickey Willis is a high school boy. [2374]

Q. Well, I will still ask you if at that time he wasn't a member of the Associated Farmers.

A. He is not a member at the present time.

Q. You don't patronize home industry?

A. He was not a member.

Mr. Clark: May I have the answer?

The Witness: He was not a member.

Q. (By Mr. Mouritsen) Now, Mr. Botts, I will show you a check dated October 25, I believe, 1938, made out to R. Knudsen; K-n-u-d-s-e-n, in the amount of \$174.98, and ask you if that is your signature that appears upon the check.

A. (Examining document) That is my signature.

Q. Do you recall the purpose for which that expenditure was made? A. Yes.

Q. Will you state what?

A. Mr. Knudsen at that time was operating a store, and the amount of that check was the amount of the groceries and foodstuffs purchased from Mr. Knudsen in connection with the barbecue held on the Reden ranch on October 18, 1938.

Q. Now, Mr. Botts, I will ask—I will show you a

(Testimony of Harold E. Botts.)

check dated December 19, 1938, and made out to Harold E. Botts, and ask you if that is your signature that appears thereon.

A. (Examining document) It is. [2375]

Q. Now——

Mr. Clark (Interrupting): May I have the date again, please? I missed it.

Mr. Mouritsen: December 19th, 1938.

Q. And I will ask you, Mr. Botts, if the amount of that check had anything to do with the matters that have been under investigation at this hearing?

A. No, it had not.

Mr. Clark: May I have that answer, please?

The Witness: No, it had not.

Mr. Mouritsen: And finally, I will ask that this document be marked Board's Exhibit 31 for identification.

(Thereupon, the document above referred to was marked as Board's Exhibit No. 31 for identification.)

Mr. Clark: May I have the last question and answer read, your Honor?

Trial Examiner Lindsay: Yes. Read the question and answer.

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Mouritsen) Now, Mr. Botts, I will show you a check that has been marked Board's Exhibit 31 for identification, and ask you if that is your signature that appears on the check?



(Testimony of Harold E. Botts.)

A. (Examining document) It is.

Q. Are you acquainted with the signature of J. B. Boyett?      A. Yes. [2376]

Q. I will ask you if that is his signature that appears on the check?

A. (Examining document) Yes.

Q. The check is made out to the Pacific Tent & Awning Company, is it not?      A. Yes.

Q. I will ask you if that check wasn't given in payment of the rental of the tent that appeared on Salyer's ranch from January 30th, 1939 to February 23rd, 1939?

A. Would you repeat that again?

(The question referred to was read by the reporter, as set forth above.)

The Witness: No, it was not. There was no rental.

Q. (By Mr. Mouritsen) Well, I will ask you, then, if it wasn't in payment of the cost of transporting that tent to the Salyer ranch and returning it to Fresno?      A. It was.

Q. And other than \$50.00, there was no cost connected with the transportation or the setting up of that tent on the Salyer ranch, was there?

A. Not to my knowledge.

Trial Examiner Lindsay: You have not offered that.

Mr. Mouritsen: Oh, at this time, Mr. Examiner, I will offer as Board's Exhibit 31 the document marked Board's Exhibit 31 for identification. [2377]

(Testimony of Harold E. Botts.)

Mr. Clark: To which we object, Mr. Examiner, on the part of all Respondents, on the ground it is incompetent, irrelevant and immaterial, no connection shown, and as to the Respondent Boswell Company and the Corcoran Telephone Exchange, upon the ground of hearsay.

Trial Examiner Lindsay: Board's Exhibit 31 is received in evidence.

(Thereupon, the document above referred to was received in evidence and marked as Board's Exhibit No. 31.)

Mr. Mouritsen: May the record show that I at this time return to Mr. Clark all other cancelled checks of the Associated Farmers of Kings County, Inc., which he previously furnished me, except Board's Exhibit 31.

Mr. Clark: Thank you.

Trial Examiner Lindsay: The record may so show. [2378]

Mr. Mouritsen: You may inquire.

#### Redirect Examination

Q. (By Mr. Clark): Since going through these checks during the noon hour, are you able now to definitely tell us the date upon which the barbecue held by the Associated Farmers of Kings County and heretofore placed as having occurred sometime in the middle of February, 1939, was, in fact, held?

A. My recollection is February 14th.

Q. February 14th? A. 1939.

Q. All right.

(Testimony of Harold E. Botts.)

Now, directing your attention to the check which has been marked Board's Exhibit No. 31, a check for \$50.00, to the Pacific Tent & Awning Company, I am correct in stating, am I not, that this check is dated June 1st of this year?      A. It is.

Q. And that, of course, was the date upon which the payment was made to the Pacific Tent & Awning Company, is that right?

A. That is correct.

Q. Now, can you tell us, if you are able to do so, what arrangement was made with the Pacific Tent & Awning Company concerning the tent on the Salyer ranch which resulted in the Associated Farmers of Kings County making this payment on June 1st of this year?

A. I could tell what the arrangement was. [2379]

Q. First of all, can you tell us approximately when that arrangement was made?

A. Approximately—well, I would say between the 5th and 10th of February.

Q. All right.

In other words, am I correct in stating that whatever arrangement was made between the Associated Farmers of Kings County and the Pacific Tent & Awning Company with respect to that tent, was subsequent to January 30th of this year?

A. Yes, sir.

Q. And subsequent to the time the tent had actually been pitched on the Salyer ranch, is that true?

(Testimony of Harold E. Botts.)

Mr. Mouritsen: That is objected to as very leading and suggestive. After all, Mr. Botts is Mr. Clark's witness.

Mr. Clark: Well, I submit that, your Honor.

Trial Examiner Lindsay: Let us not lead the witness.

Mr. Clark: Very well. May I have the question read back?

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: May I have that answer, your Honor, and from there on I will go back to the direct examination method of examining.

The Witness: I don't believe he read the whole question.

Mr. Clark: I will withdraw that.

Q. When was it with respect to the time the tent was first [2380] pitched or set up on the Salyer ranch that the first contact with the Pacific Tent and Awning Company was made by the Associated Farmers of Kings County in this respect?

A. I would say a week later; at least a week later.

Q. All right.

Now, can you tell us what that arrangement was, and how it came about?

A. The records will show that on our Director's meeting held in Hanford on January 26th, it was decided that some time during the month of February, preferably along toward the middle of Feb-

(Testimony of Harold E. Botts.)

ruary, in the middle of the month of the campaign for membership, it was decided to hold a public meeting. That is in the rainy season. At the previous barbecue at the Reden ranch, we had some place in the neighborhood of five to six hundred. That was out of doors. We looked around, and there was no place available that would hold anywhere near the equal number. We expected an attendance some place between four and six hundred. There was no place in the City of Corcoran or close by that would accommodate 600 people, and it was brought to our attention that the tent on the Salyer ranch would hold approximately that number.

Q. All right. Now, at the time it was brought to your attention, was the tent set up on the Salyer ranch? A. It was. [2381]

Q. Was this subsequent to January 30th?

A. It was.

Q. All right.

What if anything did you do then in that regard?

A. We made—it was offered to us for use if we would simply pay the cost of erecting and taking it down.

Q. By whom was it offered?

A. The cost of erecting and putting it down was the charge made upon it by the owners, the Pacific Tent & Awning Company.

Q. You say an offer was made, free of charge, except for the cost of transporting and putting it up and taking it down.

(Testimony of Harold E. Botts.)

Who made that offer to you.

A. I can't tell you definitely who made that offer. It wasn't made to me personally. That was my understanding of it.

Q. I see.

Do you know to whom it was made?

A. Not positive; not absolutely. I think it was made to Mr. Boyett. I heard of the offer second-hand.

Q. All right.

Well, who was this offer supposed to have come from; someone of the Pacific Tent & Awning Company?

Mr. Mouritsen: I object to that.

Mr. Clark: Withdraw it.

Q. Who was the offer supposed to have come from, so far as you understood it? [2382]

Mr. Mouritsen: I object to that as not the best evidence.

Mr. Clark: Withdraw it. We will get Mr. Boyett here.

Q. Then when was it, Mr. Botts—well, I will withdraw that, the record shows that.

Have you anything else to add to your narrative of the arrangement pursuant to which this check of June 1st of this year was paid?

A. Nothing except that that was the offer made, and we decided to accept that as the only suitable place to house that many people.

Q. All right.



(Testimony of Harold E. Botts.)

And when was that decision reached?

A. I would say sometime during the week preceding February 14th.

Q. Of this year? A. Of this year.

Mr. Clark: That is all.

### Recross Examination

Q. (By Mr. Mouritsen): Mr. Botts, the end of January and the fore part of February are also considered as the rainy season in this part of the country, are they not?

A. The end of January and the fore part of February?

Q. Yes.

A. Are considered the rainy season, yes, sir.

Mr. Clark: Are you through, Mr. Mouritsen? [2383]

Mr. Mouritsen: I think I have one or two questions.

Mr. Clark: Very well. I have one question that I left out, and I would like to ask it now, if I may, and then this completes the redirect examination of this witness.

Mr. Botts, after having that check called to your attention, which is Board's Exhibit No. 31, I will ask you again whether the Associated Farmers of Kings County, or anyone on its behalf, had anything whatsoever to do with getting the tent on the Salyer place on January 30th?

A. No, they had no connection with it.

Mr. Clark: That is all.

(Testimony of Harold E. Botts.)

Mr. Mouritsen: Nothing further.

May I have that last question and answer read?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: That is, getting the tent brought down to the Salyer place on January 30th?

The Witness: No, the Associated Farmers had no connection with that.

Mr. Mouritsen: You, of course, are speaking only from your own personal knowledge in that regard, Mr. Botts?

The Witness: Yes.

Mr. Mouritsen: I think that is all.

Mr. Clark: No further questions. I think the Examiner has a question, Mr. Botts. [2384]

Q. (By Trial Examiner Lindsay): At what meeting was this matter of paying for the tent discussed?

A. The subsequent meeting—just what do you mean?

Q. Well, paying for the transportation and putting up and taking down of this tent?

A. I don't think we discussed it at any meeting of either the directors or the executive committee.

Trial Examiner Lindsay: May I have that last answer please?

The Witness: I say I don't believe it was discussed at any regular meeting of either the directors or the executive committee. It was simply a

(Testimony of Harold E. Botts.)

matter that was brought up to the various members of the executive committee individually.

Q. (By Trial Examiner Lindsay): Well, when was it brought up?

A. I would say probably during the week preceding February 14th; sometime during the week, several days previous to the barbecue, at least.

Trial Examiner Lindsay: Have you taken all of this witness' testimony concerning the check?

The Reporter: No.

Q. (By Trial Examiner Lindsay): Do you know what date the tent was actually set up at the Salyer ranch?

A. I saw it for the first time around between 4:30 and 5:00 o'clock on the night of January 30, 1939.

Q. Well, do you know whether or not it was set up on—— [2385]

A. (Interrupting): I passed by along that road going to my ranch quite frequently. It wasn't there a day or two days before.

Q. Well, if Mr. Wilbur testified it was set up on the afternoon of January 30, 1939, do you think that would be correct?

A. That is correct, I am sure.

Trial Examiner Lindsay: Now, will you read back what testimony you do have?

(The record referred to was read by the reporter, as set forth above.)

(Discussion outside the record.)

(Testimony of Harold E. Botts.)

(The record referred to was read by the reporter, as follows:)

“Q. Now, can you tell us what that arrangement was and how it came about?

“A. The records will show that on our directors’ meeting held in Hanford on January 26th, it was decided that some time during the month of February, preferably along toward the middle of February, in the middle of the month of the campaign for membership, it was decided to hold a public meeting. That is in the rainy season. At the previous barbecue at the Reden ranch we had some place in the neighborhood of five to six hundred. That was out of doors. We looked around and there was no place available that would hold anywhere near the equal [2386] number. We expected an attendance some place between four and six hundred. There was no place in the city of Corcoran or close by that would accommodate six hundred people and it was brought to our attention that the tent on the Salyer ranch would hold approximately that number.”)

Q. (By Trial Examiner Lindsay): Now, what do you mean by that?

A. What was the question?

Q. What do you mean by that testimony?

A. What do I mean—any particular part of it?

Q. The whole answer about this January 26th meeting.

A. I don’t see anything that isn’t clear there. I

(Testimony of Harold E. Botts.)

simply stated that during that directors' meeting on January 26th it was discussed——

Q. (Interrupting): What was discussed?

A. The question of holding a public meeting, open to the public.

Q. What else was discussed at that meeting?

A. And it was decided that preferably it would be better to hold it somewhere along the end of the month.

Q. What else was discussed at that meeting?

A. No particular location was given as to where the meeting was to be held.

Q. Was there anything else discussed at that meeting?

A. You mean along this line? [2387]

Q. Yes, about the barbecue to be held in February?

A. I don't recall. It was simply what was laid on the table and left at the discretion of the executive committee.

Q. Well, what do you mean it was brought to your attention about this tent?

A. I simply mean this: That the tent was there, erected, standing idle on the Salyer ranch. The offer was made to some of the members of the executive committee of the Associated Farmers that if they were looking for a place to hold a barbecue, they could have this tent free of charge, so—with no rental.

Q. Were you present when that was discussed?

(Testimony of Harold E. Botts.)

A. No, I got that second-hand. It was relayed to me, I believe, by Mr. Boyett.

Q. Well, when did you hear that?

A. Oh, probably during the week, between—we will say February 7th and February 14th.

Q. Now, who was to pay for this tent before you made this arrangement? I mean, the erecting and taking down of that tent.

A. I have no knowledge as to who was to pay for it, no definite knowledge, except possibly by hearsay.

Q. You say the tent was already up before you made any such arrangement to pay for it?

A. Yes, it had been up a week or so. [2388]

Q. Do you know who brought the tent down there?

A. Pacific Tent and Awning Company crew.

Q. The Pacific Awning Company crew brought it down?

A. That is my understanding. They sent down the truck and men to erect it.

Q. And did they come down and get it and take it back?

A. That is also my understanding. I don't know definitely.

Q. How far is it from here to Fresno?

A. 55 miles.

Q. Do you know who the officers of the Fresno company are?

A. No, I don't.

Q. Do you know any of them?



(Testimony of Harold E. Botts.)

A. No, I don't know the personnel at all.

Mr. Clark: That is the Pacific Tent and Awning Company, Mr. Examiner?

Trial Examiner Lindsay: Yes.

Q. Were you ever in their place of business?

A. I have been, yes.

Q. About how many times?

A. I think not over twice in the last ten years.

Q. Have they been in business for more than ten years? A. I don't know.

Q. You don't know anyone connected with the company, that is, the awning company at Fresno.

A. I know one of the salesmen by sight. I don't know his [2389] name.

Q. Did you ever have any business with the awning company in Fresno? A. I have.

Q. Well, who did you deal with?

A. I don't know the man's name. I bought some awning for the house somewhere in the neighborhood of eight years ago.

Q. You don't remember who you bought it from? A. No.

Q. Do you know anyone who made any of the arrangements with the Pacific Awning Company to pay for that service previous to the date they brought it down here?

A. I only know by hearsay.

Q. What do you know by hearsay?

Mr. Clark: I object to that, Mr. Examiner, on the ground it is hearsay as to all respondents.

(Testimony of Harold E. Botts.)

Trial Examiner Lindsay: He may answer.

The Witness: By hearsay I heard it was Forrest Riley. He made the arrangement to bring it down.

Q. (By Trial Examiner Lindsay): Well——

Mr. Clark (Interrupting): May I have the last. I can't hear the witness.

The Witness: I said he evidently made the arrangement to bring the tent down.

Mr. Clark: On the 30th of January? [2390]

The Witness: Yes.

Q. (By Trial Examiner Lindsay): To have it brought down or——

A. (Interrupting): To have it brought down.

Q. Do you know whether or not he made any arrangement with the Pacific Awning Company to pay for the service of bringing it down?

A. I understood it was charged directly to him personally. [2391]

Q. Well, was the service paid for twice?

A. Not to my knowledge, no.

Q. Then do I understand that after Mr. Riley, from what you have said, made the arrangements to have it brought down here and to pay for it himself—or rather, to have it charged to his account, that the Association then paid for it with that check, which is Board's Exhibit 31?

A. After it was offered to him on the basis of that.

Mr. Clark: May I hear that answer? I can't hear a bit of that testimony, Mr. Witness.

(Testimony of Harold E. Botts.)

Trial Examiner Lindsay: Yes.

The Witness: According to the outline I have given in my testimony, then subsequently we paid the cost of erecting and taking it down.

Trial Examiner Lindsay: Instead of Mr. Riley; is that right?

The Witness: That is right.

Trial Examiner Lindsay: That is all.

Mr. Clark: And was that pursuant to the arrangement you have already testified to?

The Witness: Yes, that was in pursuance of the arrangement.

Mr. Clark: Made subsequent to January 30th, is that correct?

The Witness: That is right, yes. [2392]

Mr. Clark: That is all.

Mr. Mouritsen: I believe your answer was that the \$50.00 which is represented by Board's Exhibit 31 was to pay for the cost of putting the tent up and taking it down, is that correct?

The Witness: Yes, that is the way the bill read.

Mr. Mouritsen: That is all.

Trial Examiner Lindsay: That is all.

Mr. Clark: No further questions.

(Witness excused.)

Mr. Mouritsen: Might we have a short recess, Mr. Examiner? It is pretty warm.

Trial Examiner Lindsay: Yes, it is very warm. A ten minute recess.

(At this point a short recess was taken, after which proceedings were resumed as follows:)

Trial Examiner Lindsay: Hearing called to order.

All right, Mr. Clark.

Mr. Clark: I will call Mr. Louis T. Robinson on the Boswell Company case, Mr. Examiner.

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LOUIS T. ROBINSON

recalled to the stand by and on behalf of the Respondent, J. G. Boswell Company, having been previously duly sworn, was further examined and testified as follows: [2393]

Direct Examination

Q. (By Mr. Clark): Mr. Robinson, you have already been sworn and I believe you testified, or have testified already, that you are general manager of the San Joaquin County for the Respondent, J. G. Boswell Company?

A. San Joaquin Valley.

Q. San Joaquin Valley. That is what I meant. Have you occupied that position—withdraw that.

In the course of that position, Mr. Robinson, are you likewise general manager of the Company's plant here at Corcoran? A. Yes, sir.

Q. And has that been true continuously ever since July 1 of last year, that is, 1938?

A. That is correct.

(Testimony of Louis T. Robinson.)

Q. Now, will you please tell us whether there is any one else at the Corcoran plant of the J. G. Boswell Company who is authorized by the Company to speak for it with respect to any employment matters other than yourself?

Mr. Mouritsen: Objected to as vague and indefinite. What are "employment matters?"

Mr. Clark: Withdraw that. May I have the last question before this, Mr. Examiner?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set [2394] forth above.)

Q. (By Mr. Clark): Now, who is the plant superintendent at the Corcoran plant?

A. Mr. G. L. Hammond.

Q. And is Mr. G. L. Hammond the same man who has been referred to throughout the testimony in this case as Gordon Hammond?

A. Yes, sir, the same man.

Q. How long has Mr. Gordon Hammond been plant superintendent here at Corcoran?

A. About fourteen years.

Q. And of course he has held that position continuously from July 1st of last year, is that right?

A. That is correct.

Q. Aside—withdraw that.

Is Mr. Gordon Hammond an authorized representative of the J. G. Boswell Company?

Mr. Mouritsen: I will object to that on the ground it is vague and indefinite.

(Testimony of Louis T. Robinson.)

Mr. Clark: I will withdraw that question.

Q. Is there anyone other than yourself and Mr. Hammond here in Corcoran who is authorized to speak for the J. G. Boswell Company with respect to any matter concerning its business?

A. There is no one else. I don't mean by that that we have unlimited authority, but there is certainly no one else besides [2395] us two.

Q. All right.

In other words, as I understand your answer, you don't mean to tell us that you and Mr. Hammond have unlimited authority to bind the Company?

A. No, sir.

Q. There is no one else here at the Corcoran plant other than yourself and Mr. Hammond who has any authority at all to bind the Company, is that right?

A. That is correct.

Q. All right.

Now, as between you and Mr. Gordon Hammond, will you please tell us what respective duties you perform?

A. Mr. Hammond is plant superintendent. He has charge of the manufacturing end of the plant. I have charge of securing raw materials for the plant, financing and the collections.

Q. I see.

Is it a fair statement to say that Mr. Hammond is the one as between you and him who is in charge of labor in the plant?

A. That is correct.

Q. And that likewise has been true continuously



(Testimony of Louis T. Robinson.)

ever since January 1 of last—July 1st of last year, has it not?      A. That is correct.

Q. Is there any one at the Corcoran plant, Mr. Robinson, other than yourself and Mr. Gordon Hammond, who has the au- [2396] thority from the Boswell Company to employ or discharge any of the employees?      A. No one else.

Mr. Mouritsen: May we have the basis for that statement, Mr. Clark, whether it is the witness' own knowledge, or just what the basis is?

Mr. Clark: Well, that is proper cross examination, but I would just as soon go into it now.

Q. Can you tell us the basis upon which you make that statement, Mr. Robinson?

A. That authority originally came from the head office. It had been in practice there for a period of years.

Q. May I have that back? I can't quite—

A. (Interrupting) That authority originally came from the head office, and has now been in practice for a period of years. [2397]

Q. I see.

In other words, no one else has the right to hire and fire employees?      A. That is correct.

Q. Now, specifically—withdraw that.

Now I think you have already told us that commencing some time in the month of July 1938 you had heard, through gossip and rumor that Mr. Prior was attempting to organize a union among the employees in the plant, or at least he was try-

(Testimony of Louis T. Robinson.)

ing to get the employees in the plant to join a union.

Do you remember that testimony?

A. That is correct.

Q. Directing your attention to the date September 2nd, 1938, I will ask you whether or not on that day you had a conversation with Mr. Prior?

A. Well, I had a conversation around the first part of September. I couldn't be exact as to that date.

Q. All right.

Do you remember where that conversation was held?

A. It was held in Mr. Gordon Hammond's office.

Q. And do you remember who else if anyone were present aside from you and Mr. Prior?

A. Gordon Hammond and W. W. Boswell.

Q. Who is W. W. Boswell?

A. He has charge of the cattle operations for the company. [2398]

Q. Now, prior to the time of this conversation which you have just located for us, between you and these other gentlemen and Mr. Prior, had you ever had any contact or talk with Mr. Prior?

A. None at all.

Q. So that I am correct in stating, am I not, that this was your first personal contact with Mr. Prior or any of his ambitions so far as the union was concerned?

A. That is correct.

Q. All right.

Now, will you please tell us what if anything was

(Testimony of Louis T. Robinson.)

said by Mr. Prior on this occasion and what if anything was said by you and the other gentlemen present.

A. Well, Mr. Prior and Mr. Boswell and Mr. Hammond evidently had been talking before I arrived. I came in and they introduced Mr. Prior. Mr. Prior stated that it was his intention to try to organize an A.F.L. union at our plant; that his operations would be on a high plane and up and above board and was putting the management——

Mr. Mouritsen (Interrupting): What is that?

The Witness: Up and above board and was putting the management on notice of his intention.

Q. (By Mr. Clark): What if anything did you reply to that?

A. I told Mr. Prior the company had no objection to any of its men joining any union that they saw fit, but that we were [2399] faced with a serious unemployment situation; that on account of the flood and the Government crop control program we knew we wouldn't have over the 10,000 bale run and that I hoped in his efforts he wouldn't do anything that would aggravate that condition.

Q. Did he make any reply to that?

A. I don't remember any specifically but generally he agreed that he would cooperate with us.

Q. Was anything else said during that conversation that you remember?

A. Yes. It was rather a long conversation. During the conversation Mr. Gilmore came up. I

(Testimony of Louis T. Robinson.)

don't exactly recall how he came into the conversation.

Q. You mean his name came into it?

A. Yes, sir.

Q. You don't mean that Mr. Gilmore was there?

A. No. I mean that his name came in the conversation.

Q. Very well.

Tell us what if anything else was said by anyone present regarding Mr. Gilmore.

A. I told Mr. Prior that Mr. Gilmore was not even employed by us and if I was going to try to organize a union I wouldn't try to build it around Mr. Gilmore, I would go out in the plant and get some of the regular men.

Q. And how was it that Gilmore's name came into the conversation at all, Mr. Robinson, if you remember? [2400]

A. I don't recall. I have a recollection, rather, that I had heard that Mr. Prior was working with Mr. Gilmore. I might have brought it up myself.

Q. I see.

Did you know who Mr. Gilmore was?

A. Yes, sir.

Q. And who was he, please?

A. Oh, he had been employed there at the plant for a number of years.

Q. And so far as you knew at that time, or now know, when was the last time prior to September

(Testimony of Louis T. Robinson.)

2nd of last year that Mr. Gilmore had been employed with the J. G. Boswell Company?

A. I think about the spring of 1938.

Q. I see.

And as I understand it, he was not working at the time of this conversation?

A. That is correct.

Q. What was it again that you said to Mr. Prior concerning what you would do if you were trying to organize a union in the plant?

Mr. Mouritsen: Objected to as already asked and answered.

Mr. Clark: I would like it again, if I may have it, Mr. Examiner.

Mr. Mouritsen: I will withdraw the objection.

The Witness: If I were trying to organize a union, I [2401] wouldn't build it around Gilmore, I would go out and get some of the regular men in our employ.

Q. (By Mr. Clark): Well now, what did you mean by that?

A. Well, I just meant——

Mr. Mouritsen (Interrupting): Objected to as calling for a self-serving declaration.

Mr. Clark: Well, I want to know what Mr. Robinson's intention was in making a statement such as that. I think his intent is a proper subject of his testimony, Mr. Examiner.

Mr. Mouritsen: What opportunity do we have to test that?

(Testimony of Louis T. Robinson.)

Mr. Clark: You can cross examine him on it, and then there is the objective——

Trial Examiner Lindsay (Interrupting): Let us not argue so much about it.

Mr. Clark: Yes.

I think the Examiner said that you might answer.

Trial Examiner Lindsay: Just a moment. I started to say it when I was cut off.

He may answer.

The Witness: Well, the intent that I had in mind was if he was going to operate on a high plane, to go right out and see the men, talk it over.

Mr. Clark: I see.

Q. Now, what—withdraw that. [2402]

I think you said that you told Mr. Prior on that occasion that it looked as though you were going to have a short run this year, that being the fall of 1938? A. That is correct.

Q. Is that true? A. Yes.

Mr. Mouritsen: Objected to as already asked and answered.

Mr. Clark: I am simply directing his attention to part of the conversation——

Trial Examiner Lindsay (Interrupting): Let us not go over each thing so many times.

Mr. Clark: Very well. If I am let alone for a minute or two, we will make some progress.

Q. Do you know how many bales of cotton, just approximately, were ginned by the J. G. Boswell Company during the year 1937 and '38, that is, the preceding season? A. At Corcoran?



(Testimony of Louis T. Robinson.)

Q. At Corcoran, yes.

A. Between 47 and 48 thousand.

Q. I see.

And how many bales were actually ultimately ginned at the Corcoran plant during the season of 1938 to 1939?

A. Between 9 and 10 thousand.

Q. Very well. [2403]

Can you tell us, Mr. Robinson, what the approximate difference, if any, in the number of men employed during any given time at the Corcoran plant was between the 37-38 season and the 38-39 season?

Mr. Mouritsen: I object. May I have that question?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: I will withdraw that question.

Q. Normally what month during the year is the peak so far as employment is concerned at the Corcoran plant?

A. It depends somewhat on the stage of the crop, whether it is an early or a late crop, and somewhat on the weather in the fall, but I would say ordinarily the peak is reached the last of October to the first part of November.

Q. All right.

Now, can you tell us how the number of men employed at the Corcoran plant at the peak of the season during the 37-38 season compared with the

(Testimony of Louis T. Robinson.)

number of men employed at the Corcoran plant during the peak of the 38-39 season?

Mr. Mouritsen: I object to that on the ground that better evidence is available. Evidently records are kept of this matter that are in this man's possession and subject to his control and we are trying to substitute this man's recollection. [2404]

Mr. Clark: I want to point out this is a statement made to him by Mr. Prior with reference to the company facing an apparent unemployment situation.

What is his own knowledge of it, if I may have it?

Trial Examiner Lindsay: The record is the best evidence, but he may answer.

The Witness: May I have the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: I would say over twice as many during the 37-38 season than during the 38-39 season.

Mr. Clark: Very well. All right.

Q. Now, did you have any further—is that all, substantially all, that took place at the meeting in early September between you and Mr. Prior and Mr. Boswell and Mr. Gordon Hammond?

A. No, we had a conversation regarding unions in general.

Q. All right.

Let's have it, please, in substance.

(Testimony of Louis T. Robinson.)

A. Well, I would have to rather reconstruct it in substance all right, but the conversation turned to unions and I told Mr. Prior that I wouldn't be in a position to commit the company in any way regarding unions, but personally I thought they had a big opportunity for good, that they were powerful politically but I thought they were muffing their opportunity [2405] by poor leadership.

We discussed those general lines for quite awhile; that is, about as much of it as I recall at this time.

Q. Was there anything else said that you remember?

A. I don't remember anything else.

Q. All right.

Did you ever have any further conversation with Mr. Prior—withdraw that.

Did you have any further conversation with Mr. Prior during the fall of 1938?      A. Yes, sir.

Q. And when was the next time you talked with him, please?

A. The next conversation I recall with Mr. Prior was a telephone conversation the night of November 18th.

Q. All right.

So that between the time in early September you have told us about and the evening of November 18, 1938, you had no further personal contact with Mr. Prior, isn't that right?

A. To the best of my recollection.

Q. All right.

(Testimony of Louis T. Robinson.)

I think you have given us most of your recollection of the events of the morning of November 18th already, and I think you have told us, Mr. Robinson, that you received a telephone call from someone of the union men along about noon time.

Do you remember that? [2406]

A. Yes, a little prior to noon time.

Q. All right.

Have you already related the subject matter of that telephone conversation for us?

A. That is my recollection that I have.

Q. Now, later that day did you receive any further telephone calls from any representatives of the union other than Mr. Prior?

A. No, I didn't receive any further calls.

Q. I believe that you state in your letter of November 18th, which is in evidence in this case, that you had been informed prior to writing that letter that Mr. Farr, I believe, had called back. Do you remember that?

A. When I came back from lunch the telephone operator told me Mr. Farr had called when I was at lunch and he would call again, but he did not call any more. [2407]

Q. That is what I am after.

Did Mr. Farr ever call you back at the plant on that day? A. Not that I recall.

Q. Or any other place? A. No.

Q. Your answer is what?

A. My answer is No.

(Testimony of Louis T. Robinson.)

Q. Now, did Mr. Prior talk to you that evening?

A. Mr. Prior talked to me that evening at my house. There was a telephone conversation. I understood he was calling from Bakersfield.

Q. All right.

Will you please tell us what Mr. Prior said to you, and what you said to him during that telephone conversation respecting the events of that morning, namely, November 18th?

A. Mr. Prior said he had heard about the events of that morning, and he wanted to come up and help straighten it out.

Q. And what, if anything, did you reply to that?

A. I told Mr. Prior that I felt we were fully capable of straightening it out ourselves.

Q. Anything else, Mr. Robinson?

A. Mr. Prior said that it would have to be straightened out, and that whatever steps necessary to straighten it out would be taken.

And I told him that if that was a threat, he was wasting [2408] his breath, and I hung up.

Q. I see.

Now, do I understand that prior to the occurrences of the morning of November 18th, that is, the men swarming into the office where you were in the administration building, actually happening, you had no notice whatsoever that they were about to happen?

A. That is correct.

Q. All right.

Did you then have a conversation with Mr. Prior

(Testimony of Louis T. Robinson.)

and certain other gentlemen on the morning of the following day, that is, Saturday, November 19th?

A. Yes, sir.

Q. And where was that, please?

A. That conversation was also in Gordon Hammond's office.

Q. And who, if anyone else, was present other than you and Mr. Prior?

A. Gordon Hammond, R. K. Martin and Lonnie Spear.

Q. And yourself and Mr. Hammond, is that right?

A. Myself and Mr. Prior.

Q. And Mr. Prior.

Was Mr. Hammond present?

A. Yes, sir.

Q. Now, will you please tell us what was said by Mr. Prior on that occasion in substance, as nearly as you recollect it, [2409] and what was said by you or any of the other persons present?

A. Mr. Prior said he had come up to see about putting these men back to work. I told him that the men could go back to work at any time.

He said that they would have to have a special protection to go back to work.

I told him I didn't think they needed any special protection. He said that they did need the protection, and I told him that we would not provide any special protection, but that they could go back to work.

I told the men present that they should go and



(Testimony of Louis T. Robinson.)

talk to the boys themselves. I thought they would find that everything was all right.

Q. By the men, whom do you refer to?

A. I refer to Spear and Martin, that Spear and Martin and the rest of the boys that had left work should go out and talk to the men themselves, and satisfy themselves that they didn't need any special protection.

I don't know who replied to that, but anyway, they didn't care to do that.

I told Mr. Hammond that I would like for him to feel out the sentiment of these men and see if he felt they needed special protection.

Q. That is, Gordon Hammond?

A. Yes. [2410]

Mr. Prior then asked me if I was talking for the head office. I told him the head office had come to no definite decision that I knew of, except that the men could go back to work at any time, and that if they didn't go back to work, they would get the pay anyway until the head office came to a determination of the whole matter.

He asked me how long before that determination would be reached, and I told him I didn't know.

He asked me for the earliest possible answer on that, and I told him I couldn't hurry that, that that would have to be decided as early as it could.

Q. That would what?

A. That would have to be decided as early as it could, but I could not give him any definite time when it would be decided.

(Testimony of Louis T. Robinson.)

Q. Do you remember, Mr. Robinson, what time of the morning of Saturday, November 19th, approximately, this conversation took place?

A. Oh, I would think around 9:00 o'clock.

Q. Do you remember anything said by Mr. Prior with respect to a deadline, or a certain time within which he demanded an answer from you or the Company?

Mr. Mouritsen: Objected to as to the form of the question.

Mr. Clark: Well, I will withdraw the question.

Q. Do you remember anything at all said by Mr. Prior with [2411] respect to setting a limit prior to which he wanted an answer?

A. No, I don't recall any limit. [2412]

Q. All right.

At that meeting did you state to the men present, that is, the men who had been employed by the company up to that time, including Mr. Spear, that they would be carried on the payroll?

A. Yes, sir.

Q. What was that statement again, if I may have it, just as fully as you remember it?

A. To the best of my recollection, I stated that they would be carried on the payroll until the company came to a determination as to how to handle that situation.

Q. I see.

And did you at that time and in the presence of those men, Mr. Robinson, tell them that they could come to work at any time?

A. Yes, sir.

(Testimony of Louis T. Robinson.)

Q. Now, is that all that you remember of that conversation?      A. That is all I recall.

Q. Did you have a further conversation with Mr. Prior on any subsequent occasion?

A. Yes, sir, I did.

Q. And can you please tell us when that was as nearly as you can recollect it?

A. The next conversation I recollect having with Mr. Prior was in my office around ten days later. [2413]

Q. I see. And did you hear Mr. Prior testify during this proceeding some weeks ago?

A. I didn't hear all of his testimony, but I heard part of it.

Q. Well, did you hear him testify with respect to a conversation had with you on November 28, 1938? Did you hear that date mentioned?

A. Yes, sir.

Q. All right.

Now, let me direct your attention, Mr. Robinson, to that conversation, that is, the conversation which has been testified to in this record as having occurred on or about November 28th of 1938. Do you recall any such conversation?

A. Yes, sir.

Q. And where did that take place, please?

A. It took place in my office.

Q. And who, if anyone else, was present?

A. The only one I remember is Mr. Prior and myself.

(Testimony of Louis T. Robinson.)

Q. I see.

Now, leaving that just for the moment, am I correct in stating that between that time and the conversation of November 19th, that is, Saturday, November 19th, Mr. Larson of the National Labor Relations Board had called upon you?

A. That is correct.

Q. And it was during that week, wasn't it, Mr. Robinson, [2414] that is, the week of November 21st, that the events took place between you and Mr. Larson and Mr. McWilliams—

Mr. Mouritsen (Interrupting): I object.

Mr. Clark: It is already in. I want to cover it to get the chronological order.

May I have it as far as I have gone.

(The question referred to was read by the reporter, as set forth above.)

Q. (By Mr. Clark, continuing): To which you testified to on your cross examination earlier in this case? A. Yes, sir.

Q. That is regarding the notice which was posted? A. That is correct.

Q. Was the notice, a copy of which is in evidence in this case, actually posted in the plant?

Mr. Mouritsen: Objected to.

Mr. Clark: It has been gone into, I think.

Mr. Mouritsen: Very well.

Mr. Clark: All right.

Q. Now, coming back, then, to the conversation which has been placed as having taken place on

(Testimony of Louis T. Robinson.)

November 28, 1938, between you and Mr. Prior, will you tell us where that was?

A. That took place in my office.

Q. And is that likewise in the office or administration building at the plant? [2415]

A. Yes, it is the northwest office of that building.

Q. By the way, Mr. Robinson, is this office building near one of the main gates, or entrances, into the Boswell plant here at Corcoran?

A. Oh, approximately across the road, perhaps a little south of it.

Q. I see.

From one of the main entrances, is that right?

A. From one of the main entrances.

Q. It is conveniently located to one of the main entrances, is that right?

A. That is right.

Q. I think you said no one else was present during this conversation.

A. I don't recall anyone else. If anyone else was present, they didn't take part in the conversation, and I don't believe they were right near.

Q. All right.

Will you please tell us what, if anything, was said by Mr. Prior on this occasion and what, if anything, you said?

A. Mr. Prior told me that he had come down to see about getting the men put back to work. I asked him just exactly what men he referred to.

(Testimony of Louis T. Robinson.)

So he says, "Well, I will name them."

I took out a pencil and paper to write down the names [2416] as he named them.

The first man he named was Lonnie Spear. I wrote his name down and told him that we might find some work for Lonnie, that his gin would probably run a few more days.

I don't know if Martin was the next man he named, but if he named anybody between Spear and Martin, I don't remember it.

Then he named R. K. Martin. I told him that Mr. Martin's gin had closed down and we didn't have any work for him at that time.

He said, "Well, if you don't have any work for Martin, there is no use to talk any further."

Q. What happened, if anything?

A. He walked out. [2417]

Q. I see.

Now, did you have any further conversation at all with Mr. Prior relative to re-instating these employees, that is, the members of the Union, until the 17th of January of 1939? A. None at all.

Q. All right.

And was it—withdraw that.

I will show you what purports to be a carbon copy of a letter dated November 28th, 1938, addressed to Mr. Andrade at Corcoran, California, by J. G. Boswell Company, by you, Mr. Robinson, Louis T. Robinson, to which is attached a return receipt of the postal service indicating that this



(Testimony of Louis T. Robinson.)

original was delivered to Mr. Andrade on November 29th, 1938.

Did you send out the original of that to Mr. Andrade?      A. Yes, sir.

Q. Was that after this conversation with Mr. Prior?      A. I couldn't recall——

Mr. Mouritsen (Interrupting): May we have the conversation identified?

Mr. Clark: On the 28th.

Mr. Mouritsen: If that is fixed, I object. It is self-evident.

Mr. Clark: I won't ask the question.

Q. Was that sent out by you on or about November 28th?

A. (Examining document) Yes, sir. [2418]

Mr. Clark: We will offer it in evidence as the Respondent Boswell's Exhibit next in order.

Mr. Mouritsen: There has been no ruling on this, as yet?

Trial Examiner Lindsay: No. We are trying to find out if 14 is the right number.

Fourteen is the right number.

Mr. Clark: I will offer it as Respondent Boswell's 14 in evidence.

Mr. Mouritsen: I will object to it on the ground it is a self-serving document. I will not object on the ground it is a copy.

Mr. Clark: Mr. Examiner, I am not concerned with any probative value to be attached to the text of the letter. I simply want it in to establish the

(Testimony of Louis T. Robinson.)

fact of termination at this time—that is all—of the Andrade employment. I don't care about the reasons assigned.

Trial Examiner Lindsay: Well, I am going to reserve ruling.

Mr. Clark: I would like to limit my offer, Mr. Examiner, simply to the purpose of showing that on November 28th the employment of Mr. Andrade was terminated. I don't care anything at all about the reasons assigned for it.

Trial Examiner Lindsay: All right; then it is received.

(Thereupon, the document above referred to was received in evidence and marked as Respondent Boswell Company's Exhibit No. 14.) [2419]

#### BOSWELL'S EXHIBIT No. 14

November 28, 1938.

Registered Mail Return Receipt Requested

Mr. George Andrade  
Corcoran, California

Dear Sir:

We have now accumulated the full supply of planting cotton seed to be saved by us this season and in accordance with our usual operating practice, closed down this job Saturday, November 26, at 5 P. M. The closing down of this job forces us to terminate your employment as of that date and you may secure your closing pay check by calling

(Testimony of Louis T. Robinson.)

for same at the usual place in our Corcoran office.

Yours very truly.

J. G. BOSWELL COMPANY

IC

LOUIS T. ROBINSON

RECEIPT FOR REGISTERED ARTICLE

No. 534

(Stamped) Corcoran, Calif., Nov. 28, 1938. Registered.

15c fee paid. 1 class postage paid. Date 11-28, 1938.

Declared value, \$. . . . . Surcharge paid, \$. . . . .

From (Sender) J. G. Boswell Co.

(Street and Number) City (Post office and State)

Addressed to (Addressee) Mr. Geo. Andrade.

R F D

Corcoran, Calif.,

(Street and number)

(Post office and State)

Accepting employee will place initials in space  
below, indicating restricted delivery

Return receipt fee 3, Delivery restricted to addressee  
in person . . . . . or order . . . . . Fee paid. . . . .

Special delivery fee . . . . . Postmaster, per B

RETURN RECEIPT

(Stamped) Corcoran, Calif., Nov 29 1:30 P. M.  
1938.

Received from the Postmaster the Registered or  
Insured Article, the original number of which ap-  
pears on the face of this Card.

GEO. ANDRADE.

(Signature or name of addressee)

.....

(Signature of addressee's agent)

(Testimony of Louis T. Robinson.)

Date of delivery, 11-29, 1938.

(Over)

Penalty for Private Use to Avoid Payment of  
Postage, \$300.

Postmark of Delivering Office  
Post Office Department  
Official Business

---

Registered Article

No. 534

Insured Parcel

Return to J. G. Boswell Co.

(Name of sender)

Street and Number, or Post Office Box.

Post Office at Corcoran, Calif.

[Endorsed]: Filed 6/12/39.

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Q. (By Mr. Clark) Now, Mr. Robinson, I likewise show you what purports to be a copy of a letter bearing the same date, November 28th, addressed to Mr. L. E. Ely, Corcoran, California, by J. G. Boswell Company, by yourself, Louis T. Robinson, to which is attached a return receipt of the postal authorities.

Mr. Mouritsen: Let's stipulate regarding those, Mr. Clark.

I will stipulate if you will offer them for that same limited purpose, they may go in.

Trial Examiner Lindsay: Have them marked for identification.

(Testimony of Louis T. Robinson.)

Mr. Clark: Very well.

I will offer them without marking them, if I may, in evidence, and assume that stipulation.

Trial Examiner Lindsay: But the reporter will be instructed to mark each one of those as Boswell's Exhibits next in order, in line. That is, 14, 15, 16, 17, 18 and until you have completed all of these.

Mr. Mouritsen: And perhaps if you will read the names, Mr. Clark.

Mr. Clark: All right.

We will then, Mr. Examiner, offer in evidence as Respondent Boswell's Exhibits 15, 16, 17, 18, 19 and 20, the following letters to which return receipts of the postal authorities, United States Postal authorities, are attached, namely: A [2420] letter addressed to Mr. L. E. Ely, dated November 28th, 1938, by J. G. Boswell Company;

A letter dated November 28th, 1938, addressed to Mr. E. C. Powell, by J. G. Boswell Company;

A letter dated November 28th, 1938, addressed to Mr. R. K. Martin, by J. G. Boswell Company;

A letter dated December 6th, 1938, addressed to Mr. H. N. Wingo, by J. G. Boswell Company;

And a letter dated December 6th, 1938, addressed to Mr. L. A. Spear, by J. G. Boswell Company;

And a letter dated December 6th, 1938, addressed to Mr. O. L. Farr by the J. G. Boswell Company.

Trial Examiner Lindsay: Boswell's Exhibits Nos. 15 to 20, both inclusive, are received in evidence in accordance with the stipulation.

(Thereupon the documents above referred to were received in evidence and marked as Re-

(Testimony of Louis T. Robinson.)

spondent Boswell Company's Exhibits Nos. 15,  
16, 17, 18, 19 and 20, respectively.)

**BOSWELL'S EXHIBIT No. 15**

November 28, 1938.

Registered Mail Return Receipt Requested

Mr. L. E. Ely

Corcoran, California

Dear Sir:

Because of the reduced receipts at our plant of seed cotton for ginning, and in accordance with our usual operating practice, we closed down gin #4 on which you were employed, Saturday, November 26, at 5 P.M. and your employment by this Company terminated at that time.

Your closing pay check has been issued and will be delivered to you at the usual place in our Corcoran office.

Yours very truly,

J. G. BOSWELL COMPANY

IC

LOUIS T. ROBINSON.

**RECEIPT FOR REGISTERED ARTICLE**

**No. 536**

(Stamped): Corcoran, Calif., Nov 28 1938. Registered.

15 fee paid. 1 class postage paid. (Date) 11-28, 1938.

Declared value \$. . . . . Surcharge paid \$. . . . .

From (Sender) J. G. Boswell Co.

(Street and number) City (Post office and State)

Addressed to (Addressee) Mr. L. E. Ely

(Street and number) City (Post office and State)



(Testimony of Louis T. Robinson.)

Accepting employee will place initials in space  
below, indicating restricted delivery

Return receipt fee 3. Delivery restricted to addressee  
in person..... or order..... Fee paid.....  
Special delivery fee..... Postmaster, per B

### RETURN RECEIPT

Received from the Postmaster the Registered or  
Insured Article, the original number of which ap-  
pears on the face of this Card.

L. E. Ely

(Signature or name of addressee)

.....

(Signature of addressee's agent)

Date of delivery Nov 28 1938.

(Over)

(Stamped) Corcoran, Calif., Nov. 28 [illegible]  
P. M. 1938.

Penalty for Private Use to Avoid Payment of  
Postage, \$300.

Postmark of Delivering Office

Post Office Department

Official Business

---

Registered Article

No. 536

Insured Parcel

No.....

Return to (Name of Sender) J. G. Boswell Co.

Street and Number or Post Office Box,-----

Post Office at Corcoran, Calif.

State.....

[Endorsed]: Filed 6/12/39.

(Testimony of Louis T. Robinson.)

BOSWELL'S EXHIBIT No. 16

November 28, 1938.

Registered Mail Return Receipt Requested  
Mr. E. C. Powell  
Corcoran, Calif.

Dear Sir:

The last job you had with this Company was in the capacity as helper in the Warehouse. As you know, this was Fred Armenta's regular job but at that time he was not working because of injury. Fred Armenta has now recovered and has gone back on his regular job and we will not need your further services at this time.

You may secure your closing pay check by calling for same at the usual place in our Corcoran office.

Yours very truly,

J. G. BOSWELL COMPANY

IC

LOUIS T. ROBINSON.

RECEIPT FOR REGISTERED ARTICLE

No. 535

(Stamped): Corcoran, Calif., Nov 28 1938. Registered.

15 fee paid. 1 class postage paid. (Date) 11-28, 1938.

Declared value, \$. . . . . Surcharge paid, \$. . . . .

From (Sender) J. G. Boswell Co.

(Street and number) City (Post office and State)

Addressed to (Addressee) E. C. Powell

(Street and number) City (Post office and State)

Accepting employee will place initials in space below, indicating restricted delivery

(Testimony of Louis T. Robinson.)

Return receipt fee 3. Delivery restricted to addressee  
in person..... or order..... Fee paid.....

Special delivery fee..... Postmaster, per B

### RETURN RECEIPT

Received from the Postmaster the Registered or  
Insured Article, the original number of which ap-  
pears on the face of this Card.

E. C. Powell

(Signature or name of addressee)

Carrie A. Powell

(Signature of addressee's agent)

Date of delivery Nov 28 1938.

(Over)

(Stamped) Corcoran, Calif., Nov. 28, 1:30 P. M.  
1938.

Penalty for Private Use to Avoid Payment of  
Postage, \$300.

Postmark of Delivering Office

Post Office Department

Official Business

---

Registered Article

No. 535

Insured Parcel

No.....

Return to (Name of Sender) J. G. Boswell Co.

Street and Number or Post Office Box, -----

Post Office at Corcoran, Calif.

State.....

[Endorsed]: Filed 6/12/39.

(Testimony of Louis T. Robinson.)

BOSWELL'S EXHIBIT No. 17

November 28, 1938.

Registered Mail Return Receipt Requested  
Mr. R. K. Martin  
Corcoran, Calif.

Dear Sir:

Because of the reduced receipts at our plant of seed cotton for ginning, and in accordance with our usual operating practice, we closed down gin #4 on which you were employed, Saturday, November 26, at 5 P.M. and your employment by this Company terminated at that time.

Your closing pay check has been issued and will be delivered to you at the usual place in our Corcoran office.

Yours very truly,

J. G. BOSWELL COMPANY

IC

LOUIS T. ROBINSON.

RECEIPT FOR REGISTERED ARTICLE

No. 537

(Stamped): Corcoran, Calif., Nov 28 1938. Registered.

15 fee paid. 1 class postage paid. (Date) 11-28, 1938.

Declared value, \$. . . . . Surcharge paid, \$. . . . .

From (Sender) J. G. Boswell Co.

(Street and number) City (Post office and State)

Addressed to (Addressee) Mr. R. K. Martin

(Street and number) City (Post office and State)

(Testimony of Louis T. Robinson.)

Accepting employee will place initials in space below, indicating restricted delivery

Return receipt 3. Delivery restricted to addressee in person..... or order..... Fee paid.....  
Special delivery fee..... Postmaster, per B

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

R. K. Martin

(Signature or name of addressee)

.....

(Signature of addressee's agent)

Date of delivery Nov 28 1938.

(Over)

(Stamped) Corcoran, Calif., Nov. 28 1:30 P. M. 1938.

Penalty for Private Use to Avoid Payment of Postage, \$300.

Postmark of Delivering Office

Post Office Department

Official Business

---

Registered Article

No. 537

Insured Parcel

No.....

Return to (Name of Sender) J. G. Boswell Co.

Street and Number or Post Office Box.....

Post Office at Corcoran, Calif.

State.....

[Endorsed]: Filed 6/12/39.

(Testimony of Louis T. Robinson.)

BOSWELL'S EXHIBIT No. 18

December 6, 1938.

Registered Mail Return Receipt Requested  
Mr. H. N. Wingo  
Corcoran, California

Dear Sir:

Because of the reduced receipts at our plant of seed cotton for ginning, and in accordance with our usual operating practice, we closed down gin #2 on which you were employed, Saturday, December 3, at 5 P.M. and your employment by this Company terminated at that time.

Your closing pay check has been issued and will be delivered to you at the usual place in our Corcoran office.

Yours very truly,

J. G. BOSWELL COMPANY

IC

LOUIS T. ROBINSON.

RECEIPT FOR REGISTERED ARTICLE

No. 574

(Stamped): Corcoran, Calif., Dec 6 1938. Registered.

15 fee paid. 1 class postage paid. (Date) 12-6, 1938.

Declared value, \$NV Surcharge paid, \$.....

From (Sender) J. G. Boswell Co.

(Street and number) City (Post office and State)

Addressed to (Addressee) H. N. Wingo.

(Street and number) City (Post office and State)



(Testimony of Louis T. Robinson.)

Accepting employee will place initials in space below, indicating restricted delivery

Return receipt fee... Delivery restricted to addressee in person..... or order..... Fee paid 3

Special delivery fee..... Postmaster, per C

### RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

H. N. Wingo

(Signature or name of addressee)

.....

(Signature of addressee's agent)

Date of delivery Dec 6 1938.

(Over)

(Stamped) Corcoran, Calif., Dec 6 5 PM 1938.

Penalty for Private Use to Avoid Payment of Postage, \$300.

Postmark of Delivering Office

Post Office Department

Official Business

---

Registered Article

No. 574

Insured Parcel

No.....

Return to (Name of Sender) J. G. Boswell Co.

Street and Number or Post Office Box,.....

Post Office at Corcoran, Calif.

State.....

[Endorsed]: Filed 6/12/39.

(Testimony of Louis T. Robinson.)

BOSWELL'S EXHIBIT No. 19

December 6, 1938.

Registered Mail Return Receipt Requested  
Mr. L. A. Spear  
Corcoran, California

Dear Sir:

Because of the reduced receipts at our plant of seed cotton for ginning, and in accordance with our usual operating practice, we closed down gin #1 on which you were employed, Monday, December 5, at 5 P.M. and your employment by this Company terminated at that time.

Your closing pay check has been issued and will be delivered to you at the usual place in our Corcoran office.

Yours very truly,

J. G. BOSWELL COMPANY

IC

LOUIS T. ROBINSON.

RECEIPT FOR REGISTERED ARTICLE

No. 575

(Stamped): Corcoran, Calif., Dec 6 1938. (Registered).

15 fee paid. 1 class postage paid. (Date) 12-6, 1938.

Declared value, NV Surcharge paid, \$.....

From (Sender) J. G. Boswell Co.

(Street and number) City (Post office and State)

Addressed to (Addressee) L. A. Spear

(Street and number) City (Post office and State)

(Testimony of Louis T. Robinson.)

Accepting employee will place initials in space below, indicating restricted delivery

Return receipt fee. . . Delivery restricted to addressee in person. . . . . or order. . . . . Fee paid 3

Special delivery fee. . . . . Postmaster, per L

### RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

L. A. Spear

(Signature or name of addressee)

Floyd Spear

(Signature of addressee's agent)

Date of delivery Dec 6 1938.

(Over)

(Stamped) Corcoran, Calif., Dec 6 6 PM, 1938.

Penalty for Private Use to Avoid Payment of Postage, \$300.

Postmark of Delivering Office

Post Office Department

Official Business

---

Registered Article

No. 575

Insured Parcel

No. . . . .

Return to (Name of Sender) J. G. Boswell Co.

Street and Number or Post Office Box. . . . .

Post Office at Corcoran, Calif.

State. . . . .

[Endorsed]: Filed 6/12/39.

(Testimony of Louis T. Robinson.)

BOSWELL'S EXHIBIT No. 20

December 6, 1938.

Registered Mail Return Receipt Requested  
Mr. O. L. Farr  
Corcoran, Calif.

Dear Sir:

Because of the reduced receipts at our plant of seed cotton for ginning, and in accordance with our usual operating practice, we closed down gin #2 on which you were employed, Saturday, December 3, at 5 P.M. and your employment by this Company terminated at that time.

Your closing pay check has been issued and will be delivered to you at the usual place in our Corcoran office.

Yours very truly,  
J. G. BOSWELL COMPANY  
LOUIS T. ROBINSON.

IC

RECEIPT FOR REGISTERED ARTICLE

No. 576

(Stamped): Corcoran, Calif., Dec 6 1938. Registered.

15 fee paid. 1 class postage paid. (Date) 12-6, 1938.

Declared value, NV Surcharge paid, \$.....

From (Sender) J. G. Boswell Co.

(Street and number) City (Post office and State)

Addressed to (Addressee) O. L. Farr

(Street and number) City (Post office and State)

(Testimony of Louis T. Robinson.)

Accepting employee will place initials in space below, indicating restricted delivery

Return receipt fee. . Delivery restricted to addressee in person. . . . . or order. . . . . Fee paid 3

Special delivery fee. . . . . Postmaster, per L

### RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

O. L. Farr

(Signature or name of addressee)

.....

(Signature of addressee's agent)

Date of delivery Dec 12 1938.

(Over)

(Put in box 457. Lost and found on floor in lobby.)

Penalty for Private Use to Avoid Payment of Postage, \$300.

Postmark of Delivering Office

Post Office Department

Official Business

---

Registered Article

No. 576

Insured Parcel

No. . . . .

Return to (Name of Sender) J. G. Boswell Co.

Street and Number or Post Office Box, .....

Post Office at Corcoran, Calif.

State. . . . .

[Endorsed]: Filed 6/12/39.

(Testimony of Louis T. Robinson.)

Q. (By Mr. Clark) Now, with respect to these men whose names are referred to in the letters just admitted, Mr. Robinson, were they paid out for the respective jobs they had been working on upon November 18th, 1938?

Mr. Mouritsen: Objected to as calling for hearsay evidence when better evidence is available.

Mr. Clark: Well, we are going to furnish photostatic copies [2421] of that. This is preliminary. I want him to answer. It has to do with his action on that day. That is the only reason I am referring to it now.

Mr. Mouritsen: The only part of the question I am objecting to is as to these particular gentlemen——

Mr. Clark (Interrupting): I will withdraw it and see if I can get at it another way.

Q. Mr. Robinson, after your conversation with Mr. Prior on or about November 28th, 1938, and the mailing of these letters which have been admitted in evidence, were any of the men named in the letters ever re-employed by the J. G. Boswell Company?      A. I don't think so.

Q. All right.

Now, will you please tell us whether or not at any time since November 18th of last year, there had been positions available at the Boswell plant here in Corcoran for all of the men named in those letters?

Mr. Mouritsen: Objected to as calling for a self-



(Testimony of Louis T. Robinson.)

serving declaration and it is incompetent, irrelevant and immaterial.

Mr. Clark: I will submit that.

Mr. Mouritsen: It is secondary evidence.

Mr. Clark: It is the very crux of the thing.

Trial Examiner Lindsay: He may answer.

The Witness: Not unless we laid off some men that were on jobs at that time. [2422]

Q. (By Mr. Clark) And by referring to men who were on jobs at that time, do you refer to men who were working on November 18th?

A. That is correct.

Q. Very well.

Now, did you have a subsequent conversation with Mr. Prior on or about January 17th of this year?

A. Yes, sir.

Q. And where did that occur?

A. That took place in my office.

Q. At the plant? A. At the plant.

Q. And when was it, as nearly as you can remember?

A. As nearly as I can remember, it was in the afternoon.

Q. Of January 17th? A. Yes, sir.

Q. And who was present, please, as nearly as you can recollect?

A. W. W. Boswell, Bill Robinson, Kelly V. Hammond, Maurice Howard, Lonnie Spear, R. K. Martin, O. L. Farr, George Andrade, Walter Winslow, and perhaps one or two more. That is all I remember.

(Testimony of Louis T. Robinson.)

Q. All right.

Who was Mr. Maurice Howard?

Mr. Mouritsen: We will stipulate he is a Field Examiner working out of the Los Angeles office of the 21st Region of the [2423] National Labor Relations Board, and was at that time.

Mr. Clark: Very well.

Q. Now, what was the occasion for this meeting? That is, how did it happen to be called? If you know?

A. Mr. Howard was carrying on an investigation in our plant and discussing the situation with me. He stated that after I had told these Union men to go back to work, that they were bodily ejected from the job.

Q. On what day, please?

A. On November 18th.

I denied that this was true, and he said he would prove it to me, and insisted that I remain in my office until he could go get the men he would prove it by.

He left the office and came back with the men I have named, other than Boswell, Robinson and Hammond. [2424]

Q. And then did a further meeting take place?

A. We had a meeting in my office.

Q. All right.

Now, please tell us what happened, if anything?

A. If I didn't name Mr. Prior, he was present at that meeting, too. I don't believe I named him.

(Testimony of Louis T. Robinson.)

Mr. Howard questioned the men as to why they left the plant on November 18th. The men replied that they left the plant because they had gotten together and talked it over and decided that was the best thing to do.

I then asked the men, particularly Lonnie Spear, if any one had hit them or cursed them or ordered them off the property and he said no. The other men agreed that that had not happened.

I then told Mr. Howard that he had not proved they had been bodily ejected from the property.

He then asked the men if they were afraid something might happen and some of them said they were afraid something might happen and he said the men left the property because they feared violence and that was the same thing as being bodily ejected from the property.

The conversation then went to the incident where they had the meeting in the morning and he questioned Lonnie Spear about that and Lonnie Spear said that one man took a hold of him on either arm and one man pushed him from the back and they [2425] pushed him across the property into the office. Mr. Howard said that if that had been him and they had done that with him, he would have shot all three men and that Lonnie Spear would have been fully justified in shooting all three of these men.

I told Mr. Howard that I didn't think much of that opinion.

(Testimony of Louis T. Robinson.)

The only other part of the conversation, I believe I recall, is the conversation that Walter Winslow testified to.

Q. Now, all right. What if anything was said by Walter Winslow or to Walter Winslow in the presence of all these people?

A. Mr. Howard was discussing with me the authority of Tom Hammond and Walter Winslow said that he would carry out all orders of Tom Hammond.

Q. Let us see if we can't reconstruct that just as nearly as we can, Mr. Robinson, with what you told Mr. Prior and what Mr.—Mr. Howard and what Mr. Howard said and what Walter Winslow said and what you said to Walter Winslow, giving us the parties.

A. Mr. Howard stated Tom Hammond was a supervisory employee. I stated that he was not.

He then questioned Walter Winslow about taking orders from Tom Hammond. Walter Winslow said he would take any order that Tom Hammond gave him. [2426]

I asked Winslow if he would take an order from Tom Hammond even if he knew it was wrong. He said, yes, that he would carry out the order even if he knew it was wrong.

I said I didn't think much of an employee that would carry out an order if he knew that was wrong.

Q. All right——

(Testimony of Louis T. Robinson.)

Mr. Mouritsen (Interrupting): Let the witness finish.

The Witness: That is all I remember of that conversation.

Mr. Clark: Very well. All right.

Q. Now, was that conversation then between you and Walter Winslow in connection with the discussion concerning the authority of Tom Hammond?

A. It was an outgrowth of a discussion between Mr. Howard and myself concerning the authority of Tom Hammond.

Q. Very well.

And do I understand that you denied to Mr. Howard that Tom Hammond had any authority?

A. I denied that he had any authority over the employees.

Q. All right. That is what I mean.

As a matter of fact, earlier during the week immediately following November 18th you had discussed this definition of supervisory employees with Mr. Larson of the Board, hadn't you?

A. That is correct. [2427]

Q. And am I correct in stating, Mr. Robinson, that that discussion with Mr. Larson of the National Labor Relations Board had resulted, during the week commencing November 21st, 1938, in the amendment or change in respondent Boswell's Exhibit 11, which is Mr. Larson's draft of the notice to employees?

(Testimony of Louis T. Robinson.)

Mr. Mouritsen: I will object to this as already asked and answered. Counsel went into it fully with him.

Mr. Clark: It is only one question, Mr. Examiner.

Trial Examiner Lindsay: You may have it, but let us not go over so many things so many times.

Q. (By Mr. Clark) Will you answer?

A. Yes, sir.

We asked Mr. Larson to change the word "supervisory employees" to "proper representatives."

Q. And he did? A. Yes.

Q. Now, is that all that you can tell us at this time of the conversation at which Mr. Maurice Howard was present, together with all of these other people you have named on January 17th of this year?

A. That is all I recall while they were present.

Q. All right.

Now, Mr. Robinson, did you have any subsequent conversation with Mr. Maurice Howard? [2428]

A. Yes, sir.

Q. Concerning that same subject matter? Will you please answer the question yes or no?

A. What subject matter do you refer to?

Q. Well, I will withdraw the question.

Will you please state whether you had any further conversation with Mr. Maurice Howard of the National Labor Relations Board, the investigator for it, after January 17th of this year?



(Testimony of Louis T. Robinson.)

A. Either later that same day or the next morning, I don't recall which.

Q. Very well.

And where did that take place, please?

A. That took place in my office.

Q. And was anyone else present?

A. No, sir.

Q. Will you please tell us what Mr. Howard and what you said?

Mr. Mouritsen: I object to that on the ground it is incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: We will take a recess.

Mr. Clark: We are taking an adjournment and that is the question as we will leave it.

Trial Examiner Lindsay: We will adjourn until 9:30.

(Whereupon, at 4:40 o'clock p. m., an adjournment was taken until 9:30 o'clock a. m., Tuesday, June 13, 1939.) [2429]

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American Legion Hall  
Corcoran, California  
Tuesday, June 13, 1939.  
9:30 O'clock A. M. [2430]

## PROCEEDINGS

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: The Respondents are ready, Mr. Examiner.

Mr. Mouritsen: Ready for the Board.

Trial Examiner Lindsay: You may proceed.

Mr. Clark: Now, Mr. Examiner, before we continue with Mr. Robinson, I would like to call your attention and that of counsel for the Board to the following matters in yesterday's transcript.

First, at page 2335, line 4, in a question put by me to Mr. Botts, it reads as follows:

"Mr. Botts, during your cross examination by Mr. Mouritsen on last Saturday morning, you testified in effect that the only date you furnished—" and the word "date" should be "dates" to make the question intelligible.

Trial Examiner Lindsay: That is right.

Mr. Clark: Is that stipulated, Mr. Mouritsen?

Mr. Mouritsen: Yes.

Mr. Clark: Now, on the same page at line 17, there is an answer by the witness "The question isn't quite fair," and his answer was "The question isn't quite clear."

Mr. Mouritsen: So stipulated.

Mr. Clark: Very well.

Now, at page 2360 at line 24, as a part of my statement with respect to Mr. Winslow's testimony, the record reads, [2432] "At that moment I distinctly remember E. C. Salyer, who had just been on the stand, coming up and patting me on the arm and saying", and I remember saying "coming up and taking me by the arm."

Mr. Mouritsen: That is so stipulated.

Mr. Clark: Now, on page 2388 at line 2, during examination of the witness Botts by the Trial Examiner, the preceding question had to do with what was discussed at the Directors' meeting on January 26th, and finally the question is asked, at line 1, page 2388—we will have to go back a little bit to get the sense of it—on page 2387 at line 24:

“Q. Was there anything else discussed at that meeting? A. You mean along this line?

“Q. Yes, about the barbecue to be held in February.

“A. I don't recall. It was simply what was laid on the table and left at the discretion of the Executive Committee.”

Now, I am quite sure the answer was “No, that nothing further was discussed,” and I wonder whether you have a note on that, Mr. Lindsay. That is where you were examining Botts.

Trial Examiner Lindsay: Yes, I remember. I think the answer as it is is correct, but I will see.

Mr. Clark: Whatever was said there. My recollection is that he said “No.”

Trial Examiner Lindsay: That is Mr. Botts' testimony?

Mr. Clark: Yes, sir, when you examined him at the con- [2433] clusion of his examination.

Trial Examiner Lindsay: I have a note here with those very words, “I don't recall.”

Mr. Clark: Oh, you have? Then that probably is what he said, because it could hardly—

Mr. Mouritsen (Interrupting): That is my impression, that it was left to the discretion of the Executive Committee. That is the way it remains to me.

Mr. Clark: I thought he positively said that nothing else was discussed. Apparently it was "I don't recall."

Trial Examiner Lindsay: I wrote it down right after I got through examining him, and I have those words, so I imagine that is correct.

Mr. Clark: That must have been where it came from.

Now, also, on page 2392, line 3, the question was asked Mr. Botts, apparently by Mr. Mouritsen:

"Then do I understand that after Mr. Riley, from what you have said, made the arrangements to have it brought down here and to pay for it himself—or rather, to have it charged to his account, that the Association then paid for that check, which is Board's Exhibit 31?"

Trial Examiner Lindsay: Yes.

Mr. Clark: "After it was offered to him on the basis of that."

I think the answer was "After it was offered to them on [2434] the basis of that." He is obviously referring to the Associated Farmers of Kings County.

Will you read that question and answer, Mr. Mouritsen, and give me your idea on that?

Trial Examiner Lindsay: There is one word left out of there in the question, too, which I recall.

Mr. Clark: I wonder what it is? We can probably stipulate.

Trial Examiner Lindsay: Read the question and I will tell you.

Mr. Clark: "Then do I understand that after Mr. Riley, from what you have said, made the arrangements to have it brought down here and to pay for it himself—or rather, to have it charged to his account, that the Association then paid for that check——"

Trial Examiner Lindsay (Interrupting): "For it with that check."

Mr. Clark: Probably it should be "paid for it with that check."

So stipulated.

It then reads this way: "That the Association then paid for it with that check."

Mr. Mouritsen: Yes.

Mr. Clark (Continuing): ——"which is Board's Exhibit 31."

Then the answer should read "After it was offered to them [2435] on the basis of that."

Now, I don't know what he said after "on the basis," but the reference to it being offered to someone is to the Associated Farmers of Kings County, obviously.

(Discussion outside the record.) [2436]

Mr. Clark: Mr. Robinson, please.

## LOUIS T. ROBINSON

the witness on the stand at the time of adjournment, having been previously duly sworn, resumed the stand and further testified as follows:

## Direct Examination

(Continued)

Mr. Clark: Now, may we have the last question read, Mr. Examiner, of yesterday?

Trial Examiner Lindsay: They don't have it. You will have to get it from the transcript.

Mr. Mouritsen: You have it there in the transcript.

Mr. Clark: Yes.

Q. Now, Mr. Robinson, will you please tell us whether or not you had any further conversation with Mr. Maurice Howard of the National Labor Relations Board after January 17th of this year?

Please answer yes or no.

A. Yes, sir.

Q. And when was that, please?

A. The next morning.

Mr. Mouritsen: Could we have that fixed, please?

Mr. Clark: What is that?

Mr. Mouritsen: Could we have that date fixed? I don't recall it.

Q. (By Mr. Clark) What was the date on the next morning? [2437] A. January 18th.

Q. Where did that conversation take place, Mr. Robinson? A. In my office.

Q. Who, if anyone else, was present?



(Testimony of Louis T. Robinson.)

A. No one else.

Q. All right.

Now, going back for a moment to the conversation which you have already testified to as having taken place on January 17th, and the substance of which you testified to yesterday, I want to ask you whether you stated in substance or effect at that time and place to the persons present the statement which appears attributed to you in Respondent Boswell's Exhibit 3 in this case. Please examine it.

A. (Examining document) I stated that in effect, yes.

Q. All right.

Am I correct in stating, Mr. Robinson, that the statement in Respondent Boswell's Exhibit 3 to which you referred reads as follows: "No foreman or anyone else is authorized to make any statement regarding any employee's membership or non-membership in any union by the company and that no employee's position would be affected because of membership in any union"—now, do I understand that you made the statement substantially to that effect at this meeting of January 17th, 1939, to which you testified yesterday? A. I did. [2438]

Q. Do you remember anything else that was said along that line by any of the persons present at that meeting, namely, the one of January 17, 1939?

A. No, I don't believe I do.

Q. How did that subject come up for discussion, if you remember?

(Testimony of Louis T. Robinson.)

A. That was the company's position and has always been the company's position, and I had been instructed to maintain that position, and I didn't hesitate to explain to Mr. Howard or anyone else interested what that was.

Mr. Mouritsen: I move that the answer go out as not responsive to the question.

Mr. Clark: I will submit it.

Mr. Mouritsen: The question was, "How did that subject come up," and I submit it is not responsive.

Mr. Clark: It is responsive.

Trial Examiner Lindsay: I think that the answer should go out and then you can follow it up.

Read the question.

(The question referred to was read by the reporter, as set forth above.)

Q. (By Mr. Clark) Now, will you please answer it again?

Trial Examiner Lindsay: How did you get to talking about that is your question, isn't it?

Mr. Clark: Yes, Mr. Examiner. [2439]

The Witness: Well, the business of Mr. Howard as he explained it to me was to investigate labor trouble at our plant. He discussed the matter with me and I explained the company's position.

Mr. Clark: All right.

Q. And am I correct in stating that in explaining the company's position you made this statement of which we just referred to? A. Yes, sir.

(Testimony of Louis T. Robinson.)

Q. All right.

Had you made that statement or any statement substantially similar to it on a prior occasion to Mr. Prior?        A. Yes, sir.

Q. And can you just briefly locate those prior occasions for us?

A. I told Mr. Prior that on the conversation that took place about September 1st and I told Mr. Prior that in the conversation that took place the morning of November 19th.

Q. I see.

Now, coming back again, then, to the further conversation with Mr. Maurice Howard which you have located as having taken place on the morning of January 18, 1939, I will ask you what, if anything, was said by Mr. Howard and what, if anything, was said by you during that conversation?

Mr. Mouritsen: I object to that upon the ground it is [2440] incompetent, irrelevant and immaterial and not tending to prove or disprove any of the issues in this case.

Mr. Clark: I will promise to connect it up, Mr. Examiner.

Trial Examiner Lindsay: He may answer.

The Witness: Mr. Howard told me that he wanted the company to discharge all the non-union employees that had taken part in the events of around 10:00 o'clock of the morning of November 18th; that he wanted the company to hire union men in their places; and that he wanted the employees' association dissolved.

(Testimony of Louis T. Robinson.)

I told Mr. Howard that there was no labor dispute between the management and its employees, that any dispute that existed was between two groups of employees; that we were not going to fire anybody that was giving satisfactory services on the job; that we had nothing to do with the organization of the Employees' Association and we would make no efforts nor any attempts of any kind to dissolve it.

Mr. Howard then told me that if I didn't do that, he would call the Labor Board hearing and I would get a lot worse. He took a little pamphlet out of his pocket that had a number of decisions in it and pointed out some of the decisions that had been found at Labor Board hearings.

I told Mr. Howard that I thought none of those cases were similar to our position and that I would stand just [2441] where I told him.

He said, "All right. Then you will get the Board hearing."

I told him to use his own judgment about that.

Q. (By Mr. Clark) During that conversation, Mr. Robinson, did you again call Mr. Howard's attention to the position the company had taken with respect to its employees joining labor unions?

A. I don't definitely recall bringing that up again at that time, but I pointed that out to Mr. Howard on several occasions.

Mr. Mouritsen: I move the latter part go out as not responsive.

(Testimony of Louis T. Robinson.)

Trial Examiner Lindsay: It may go out.

Q. (By Mr. Clark) You had, however, called that to his attention the preceding day, you said?

Mr. Mouritsen: Objected to as already asked and answered, leading and suggestive.

Trial Examiner Lindsay: Sustained.

Q. (By Mr. Clark) Was anything else said at this conversation between you and Mr. Howard on the morning of January 18th that you remember in substance?

A. No, I don't believe I recall anything else.

Q. Very well.

Now, at that time did you make any statement to Mr. [2442] Howard with respect to whether or not you would discharge men who were then on your payroll?

A. I told him I would not discharge men who were on my payroll as long as their services were satisfactory and I had a job for them.

Q. Very well.

Now, subsequent to this occasion, Mr. Robinson, that is, subsequent to the Howard conversation on the morning of January 18th, did you have a further conversation with Mr. Prior? A. Yes, sir.

Q. Will you please tell us when that took place as nearly as you can remember it?

A. To the best of my recollection, it is that the conversation with Mr. Howard took place on the morning of the 18th and the conversation with Mr. Prior took place on the afternoon of the 18th.



(Testimony of Louis T. Robinson.)

Q. Very well.

Where did that conversation take place, please?

A. In my office.

Q. At the Boswell plant? A. Yes, sir.

Q. And who, if anyone, else was present?

A. No one else.

Q. Will you please tell us what Mr. Prior said to you on [2443] that occasion and what you said to him, as nearly as you can remember?

A. Mr. Prior said he was calling on me at the suggestion of Mr. Howard and he wanted to know if there had been any change in the company's position after Mr. Howard's visit. [2444]

I told him, No, Mr. Howard's visit had not changed the Company's position at all. That was about all there was to the conversation.

Q. Will you please state whether or not this interview between you and Mr. Prior, that is, the one to which you have just testified, was pursuant to any previous appointment or arrangement between you and him? A. No, I don't think so.

Q. Very well.

Now, Mr. Robinson, I show you Board's Exhibit 25 in this matter, which is a letter, rather an inter-office communication, dated November 19th, 1938, addressed to you, namely, Mr. L. T. Robinson, by Mr. G. L. Hammond, and signed by Mr. G. L. Hammond.

Will you please tell us whether or not you received that communication from Mr. Hammond on or about the date it bears?



(Testimony of Louis T. Robinson.)

A. (Examining document) I did.

Q. And will you please tell us, Mr. Robinson, whether your receiving that from Mr. Hammond was the result of any prior request which you had made upon Mr. Hammond?

A. I requested Mr. Hammond——

Q. (Interrupting): Please answer the question.

A. Yes, sir.

Q. All right.

Will you please state what that was?

A. I requested Mr. Hamond to make an investigation of the [2445] events of November 18th, and to make a written report to me concerning the same.

Q. I believe you told us that Mr. Hammond is the person, as between you and him, who has the immediate charge of labor in the plant?

A. That is correct.

Q. All right.

Will you please state whether Mr. Hammond was present at the Corcoran plant on November 18th, 1938, when the disturbance which has been testified to in this case between the employees occurred?

A. He was not.

Q. All right.

Now, how soon was it after the matters which occurred on the morning of November 18th had happened that you first saw Mr. Hammond?

A. I didn't see Mr. Hammond until the morning of November 19th.

Q. All right.

(Testimony of Louis T. Robinson.)

And am I correct in stating that you thereupon asked him to make a complete investigation of the occurrences of the preceding morning, namely, those of November 18th?      A. That is correct.

Q. All right.

And is this inter-office communication which has been marked Board's Exhibit 25 Mr. Hammond's report to you pursuant [2446] to that request?

A. It is.

Q. Very well.

Now, will you please state whether or not you had that report before you at the time you wrote the letter dated November 18th, which has been admitted as Board's Exhibit No. 24 in this case, being a letter from you to Colonel Boswell?

A. I did not.

Trial Examiner Lindsay: May I have 18?

Mr. Clark: Yes, sir.

Trial Examiner Lindsay: And the other one.

(The documents referred to were passed to the Trial Examiner.)

Q. (By Mr. Clark) Mr. Robinson, can you tell us whether or not the mill, that is the oil mill at the Corcoran plant, commenced operations on July 1st, 1938? On or about?

A. On or about July 1st, yes, sir.

Q. All right.

And can you tell us for approximately how long it continued to operate on that particular run?

A. Oh, it operated about two and a half months.

(Testimony of Louis T. Robinson.)

Q. I see.

So that would be sometime in the middle of September, is that right?      A. Yes, sir. [2447]

Q. Now, will you please state from what source the cotton seed came which was milled at the Corcoran plant during that particular run of the oil mill, that is, from July 1st to the middle of September?

A. The cotton seed for that run came from purchases made by us out of the 37-38 crop.

Q. All right.

In other words, had you had that cotton seed in storage up until July 1st?      A. Yes, sir.

Q. All right.

And it was cotton seed which had come in to the possession of the Boswell Company during the preceding season, is that correct?

A. That is correct.

Mr. Mouritsen: I object to that as leading and suggestive. I move that the answer go out.

Mr. Clark: I am trying to cover some ground. Those are only preliminary questions, your Honor.

Trial Examiner Lindsay: I know. Mr. Clark, please don't lead the witness. Let him testify.

Mr. Clark: All right.

May I have the last question and answer?

(The record referred to was read by the reporter, as set forth above.) [2448]

Mr. Clark: All right.

Q. Now, can you tell us, Mr. Robinson, why it

(Testimony of Louis T. Robinson.)

was that the mill, the oil mill, was operated during the period in question, that is, from about July 1st, 1938 to the middle of September, 1938, and that this seed was milled at that time?

A. Why, we buy the cotton seed and manufacture that into by-products of the cotton seed and have to sell the by-products. We have got to make a profit on that to stay in business. The time when we milled those seed is, in our opinion, the best marketing condition for the milling of the seed and the selling of the by-products. It was our opinion that it was good business to carry those seed over for a while until July 1st. We thought it was good business to mill them up then and sell the by-products.

Q. I see.

Will you please tell us when the fiscal year of the Boswell Company ends?

A. It ends on June 30th of each year.

Q. I see.

And have you paid, or rather, have you carried this cotton seed in storage up to that time?

A. Yes, sir.

Q. Do you know a person by the name of Al Chestnut?

A. Yes, sir.

Q. Who is he, please? [2449]

A. He is an employee of the Peterson Farms Company.

Mr. Mouritsen: Peterson Farms?

The Witness: Company.

(Testimony of Louis T. Robinson.)

Q. (By Mr. Clark): Now, has he ever been employed by the J. G. Boswell Company?

A. Yes, sir.

Q. And do you know when?

A. He was employed during the early part of this year.

Q. I see.

And what was the occasion for his employment?

A. The J. G. Boswell Company contracted to pump the water off of the Lovelace Reclamation District. According to the terms of the contract, it would be one price if we furnished men to supervise the running of the engines or the pumps, and another price if they furnished the men to supervise that operation. They elected to furnish the men to supervise that operation, and Al Chestnut was one of the men they furnished, the Peterson Farms Company being located in the Lovelace Reclamation District. That District didn't have any compensation insurance, so we carried him on our payroll to keep him covered by compensation, and at the time we made the settlement with them, that was taken into consideration in the settlement. [2450]

Q. All right.

In what capacity was Mr. Al Chestnut employed by the Peterson Farms Company?

A. He operated the motors and engine that operated the pumps that pumped the water off the district.

Q. Was he ever employed by the Boswell plant here in Corcoran?           A. No, sir.

(Testimony of Louis T. Robinson.)

Q. All right.

Now, do you know Mr. Les Chestnut?

A. I know Lee Chestnut.

Q. Lee Chestnut, rather? A. Yes, sir.

Q. And who is he, please?

A. He is an employee of the Peterson Farms Company.

Q. All right.

And is the same true, are the same facts, rather, true of Mr. Lee Chestnut as you have just told us are true concerning Al Chestnut?

A. Yes, sir.

Mr. Clark: That is all—one more question.

Q. In other words, has Mr. Lee Chestnut been employed by the J. G. Boswell Company at its Corcoran plant? A. No, sir.

Q. At any time? [2451]

A. No, sir.

Mr. Clark: That is all.

#### Cross Examination

Q. (By Mr. Mouritsen): Mr. Robinson, I believe you stated that you were in charge of the financing operations of the J. G. Boswell Company, is that correct?

A. Well, that is part of my duty. I am not in sole charge of the financing.

Q. But you make loans to the farmers here in this vicinity, is that correct?

A. That is correct, subject to approval by the head office.



(Testimony of Louis T. Robinson.)

Q. And are you the man to whom the farmers in the vicinity come if they desire to obtain loans from the Boswell Company?

A. Yes, sir. They either come to me or Mr. Armour.

Q. And with reference to any loans made to farmers in this vicinity you are the man locally to pass on the loan, is that correct?

A. That is correct.

Q. Any work that Mr. Armour does in that connection is subject to your approval, isn't that correct?

A. That is correct.

Q. Now, you are acquainted with the financing operations of the J. G. Boswell Company, are you not?

A. Yes, sir.

Q. You were also acquainted with the financing operations of, I believe, three subsidiary companies of the Boswell Com- [2452] pany?

A. I don't believe we have three subsidiary companies. The financing company is known as the J. G. Boswell Farm Loan Company. I am familiar with that.

Q. Are there any other companies affiliated with the Boswell Company through which loans are made?

A. No. That is the lending agency, the J. G. Boswell Farm Loan Company.

Q. Now, I will ask you to what amount, approximately, E. C. Salyer is indebted to the Boswell Company.

(Testimony of Louis T. Robinson.)

Mr. Clark: I object to that upon the ground it is incompetent, irrelevant and immaterial. It is on a confidential matter. I have no objection for this witness to state whether or not Mr. Salyer is indebted to the J. G. Boswell Company. In fact I think Mr. Salyer made that statement on the stand, but as to the amount of Mr. Salyer's indebtedness, I submit that is incompetent, irrelevant and immaterial and is a violation of his personal affairs which he has a right to keep confidential. There is no connection shown at all between Mr. Salyer or any act performed by him and any of the respondents in this case.

Trial Examiner Lindsay: He may answer.

The Witness: Well, we finance Mr. Salyer on a large acreage of grain and a rather large acreage of cotton. I would say that we have loaned him about \$8.00 an acre on his [2453] grain and have agreed to loan him around \$20 an acre on his cotton.

Q. (By Mr. Mouritsen): And, as a matter of fact, Mr. Salyer is indebted to you at the present time in approximately the amount of \$188,000, plus accrued interest, isn't he?

Mr. Clark: Same objection, Mr. Examiner.

Trial Examiner Lindsay: Same ruling.

The Witness: That is approximately correct.

Q. (By Mr. Mouritsen): And he was indebted to you in practically that amount on January 30, 1939, was he not?

(Testimony of Louis T. Robinson.)

Mr. Clark: May my objection be deemed to run to all this line of inquiry?

Trial Examiner Lindsay: Yes.

The Witness: The indebtedness, Mr. Mouritsen, varies with the progress of the crop. On January 3rd the chief indebtedness——

Mr. Mouritsen (Interrupting): January 30th.

The Witness: January 30th, the chief indebtedness against the grain crop had already been expended and there was practically nothing against the cotton. We loaned him the necessary funds to produce his crop and as the work in producing that crop progresses, the account is increasing accordingly. [2454]

Q. Can you give us the approximate figure in which Mr. Salyer was indebted to you on January 30th?

A. I would think that he had approximately \$6.00 an acre in his grain at that time, and nothing in his cotton.

Q. And that would amount to what?

A. In excess of one hundred thousand dollars.

Q. Now, Mr. Robinson, I will show you Respondent Boswell's Exhibit 13, and directing your attention to that part of the Exhibit that refers to proper representatives of the Company——

Mr. Clark (Interrupting): Which one is that? Would you indicate it for my benefit, or let me see the Exhibit?

(The document referred to was passed to Mr. Clark.)

(Testimony of Louis T. Robinson.)

Q. (By Mr. Mouritsen): I believe you testified, Mr. Robinson, that you requested that Mr. Larson put that in there, that is, put the expression "proper representatives" in, is that correct?

A. I requested that he substitute "proper representatives" for "supervisory employees."

Q. And you had some basis for making such a request, did you not?

A. I had a reason for it.

Q. Now, let me ask you what—to what people did you refer when you referred to proper representatives of the Company?

A. Anybody authorized by the Company to represent it.

Q. In other words, only yourself and Mr. Gordon Hammond, is [2455] that correct?

A. As to matters pertaining to employment and personnel around the plant, that is correct.

Q. So when you posted that notice, you were telling the employees that only yourself and Mr. Gordon Hammond would not discriminate against them for Union activities, is that correct?

Mr. Clark: Objected to upon the ground it is argumentative and improper cross examination.

Trial Examiner Lindsay: He may answer the question.

Mr. Clark: He did it at the approval of the National Labor Relations Board.

The Witness: This is Mr. Larson's request that we post this, and it satisfied him.

(Testimony of Louis T. Robinson.)

Mr. Mouritsen: May I have an answer to my question?

Trial Examiner Lindsay: Read the question again, and you answer the question.

(The question referred to was read by the reporter, as set forth above.)

Mr. Clark: Now, before it is answered, might I amplify my objection?

Trial Examiner Lindsay: Yes.

Mr. Clark: Very well. I object to that question upon the ground it is argumentative, and that the document itself concerning which the witness is being examined, and which the [2456] evidence shows was posted in the plant, is the best evidence of what notification was given to the employees.

Trial Examiner Lindsay: Now, have you finished?

Mr. Clark: Yes, sir.

Trial Examiner Lindsay: You may answer.

The Witness: Will you read the question again?

(The record referred to was read by the reporter, as set forth above.)

The Witness: I was telling the employees that they could join any Union that they saw fit to join.

Q. (By Mr. Mouritsen): Mr. Robinson, you are not answering my question.

I will request that the witness be instructed to direct his attention to the question, and answer the question put to him.

Trial Examiner Lindsay: Yes.

(Testimony of Louis T. Robinson.)

Mr. Clark: I submit that answer is responsive.

Trial Examiner Lindsay: Read the question, please.

(The record referred to was read by the reporter, as set forth above.)

The Witness: That is not my idea of what I was telling the employees.

Mr. Mouritsen: Very well.

Q. Now, we will get to the matter in another way, then.

Wasn't it your testimony yesterday that only yourself and [2457] Mr. Gordon Hammond were proper representatives of the Company with reference to employment matters?

A. At Corcoran, yes, sir.

Q. At Corcoran.

Now, this notice that is Respondent Boswell's 13, was posted in Corcoran, wasn't it?

A. That is correct.

Q. That is the only place it was posted?

A. That is correct.

Q. Now, you requested of Mr. Larson that he change the wording of the notice that he proposed to you, namely, Respondent Boswell's Exhibit 11, to its present form, did you not?

A. Yes, sir.

Q. Which is Respondent Boswell's 13.

Now, when you posted the notice, to what people of the Boswell Company did you refer by using the expression "proper representatives."



(Testimony of Louis T. Robinson.)

A. I was referring that regardless of what anybody else said, whether or not they worked for the Company, the proper representatives of the Company were telling them they could join any Union they wanted to.

Q. All right.

Now, who were the proper representatives to whom you referred in that notice? [2458]

A. At Corcoran, Louie Robinson and Gordon Hammond.

Q. And when you posted that notice, you didn't have in mind Joe Hammond or Tom Hammond, is that correct?

Mr. Clark: I object to that, Mr. Examiner, upon the ground it is argumentative. It has been asked and answered, and obviously is an attempt to impeach an act authorized and accepted by the National Labor Relations Board itself. The evidence shows that Mr. Larson approved that notice, and approved that change, and approved the place where it was posted, and that this was done pursuant to his instructions.

Now, that seems to me, Mr. Examiner, is the end of it. It is an act of the National Labor Relations Board which this Company has performed, and it doesn't lie in this gentleman now to attempt to impeach it.

Mr. Mouritsen: There is no attempt at impeachment, Mr. Examiner. I am merely trying to ex-

(Testimony of Louis T. Robinson.)

plain an ambiguous document to which I am assuredly entitled.

Mr. Clark: An ambiguous document tendered by your own representative and foisted on the Company.

Trial Examiner Lindsay: Well, just a moment. I don't want any more statements like that. The right to object to a question and state your reasons for your objection does not include the right to a lot of unnecessary argument. We have had just too much of that in this hearing. Those arguments really don't mean anything unless they are stated in your objections. [2459]

Now, after you have made the objection and have stated all of your reasons, then your duties are ended

Let us go along here in a gentlemanly manner. That is the only proper way to try a lawsuit.

Now, read the question back.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: Same objection, Mr. Examiner.

Trial Examiner Lindsay: Now, did you understand the question?

The Witness: I understand him to mean that I——

Trial Examiner Lindsay (Interrupting): All right, then, answer.

The Witness: I didn't finish. I understood him to mean do I think that Joe or Tom Hammond is a

(Testimony of Louis T. Robinson.)

proper representative of the Company in the matter of labor personnel in the Company.

Trial Examiner Lindsay: Might I have that question—that answer, rather?

The Witness: I understood him to mean is he asking me that.

Mr. Clark: May I have the answer re-read?

The Witness: I haven't answered the question.

Trial Examiner Lindsay: I thought you had.

The Witness: I was giving you my understanding of what his question was. I was not giving an answer. [2460]

Trial Examiner Lindsay: All right.

Now, you may answer the question. [2461]

Mr. Clark: May I have that comment re-read, Mr. Examiner?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: Is that the meaning of your question?

Mr. Mouritsen: I will reframe the question.

Trial Examiner Lindsay: Now, off the record just a moment.

(Here followed discussion off the record.)

Trial Examiner Lindsay: Now, reframe your question.

Q. (By Mr. Mouritsen): Now, Mr. Robinson, I will ask you whether or not you referred to Tom and Joe Hammond as proper representatives of the company in respondent Boswell's 13?

(Testimony of Louis T. Robinson.)

A. I did not.

Q. Nor to Bill Robinson, is that correct?

A. You are asking me my opinion. You understand that is not my document. I am giving you my opinion.

A proper representative is a continuing proposition. A man may be a proper representative today and not tomorrow.

Trial Examiner Lindsay: At the time the document was written.

The Witness: At the time the document was written, I didn't refer to Tom and Joe Hammond as a proper representative. [2462]

Q. (By Mr. Mouritsen): Nor to Bill Robinson?

A. No.

Q. And in Respondent Boswell's 13 you did not refer to Oscar Busby, is that correct?

Mr. Clark: I want the objection to be deemed to run to all this line of testimony, Mr. Examiner, on the ground it is argumentative, and the record shows that a representative of the National Labor Relations Board drafted the document and accepted it.

Trial Examiner Lindsay: As I understand it, it was drafted and changed at the request of this witness.

Mr. Clark: And okayed by the Board.

The Witness: The only answer I can make, Mr. Mouritsen, is that in my opinion Oscar Busby is not authorized by the company to represent it in

(Testimony of Louis T. Robinson.)

any matters of employment and labor personnel.

Q. (By Mr. Mouritsen): And you had no reference to him at the time Respondent Boswell's 13 was posted, is that correct?

A. That is my opinion. I didn't.

You are asking me on the basis that that is my report. I didn't do it.

Trial Examiner Lindsay: He is only questioning you on the basis of what that report says. You answer the question.

The Witness: I can only give you an opinion as to what [2463] the report is supposed to be.

Trial Examiner Lindsay: You tell us——

The Witness (Interrupting): I want it clear: I am only giving my opinion of the document. I didn't write the document.

Mr. Mouritsen: Mr. Examiner, this demonstrates clearly the interruptions caused by counsel's tactics in the matter. Not only does he interrupt and make objections for the purpose of confusing the record—the record will bear that out—but I have not been able to cross examine the witness properly since the Respondent has opened its case.

Mr. Clark: I haven't opened my mouth and I haven't said anything. I ask that Mr. Mouritsen's statement be stricken from the record. It is uncalled for. It is uncalled for—in fact, I have sat very still here, a proverbial mouse, while Mr. Robinson has been doing the best he can to answer these vague questions.

Trial Examiner Lindsay: Do you understand the question?

(Testimony of Louis T. Robinson.)

The Witness: I think so.

Trial Examiner Lindsay: You are in authority out there, aren't you?

The Witness: Yes, sir.

Trial Examiner Lindsay: You know who the officials are you are referring to in that document, don't you?

The Witness: (Pause) [2464]

Trial Examiner Lindsay: Regardless of who wrote them?

The Witness: I know who, I think, yes, sir.

Trial Examiner Lindsay: That is all we want to know.

Q. (By Mr. Mouritsen): I believe I asked you last regarding Oscar Busby.

A. I think I answered that.

Q. What was your answer? If you made an answer, it has slipped me.

A. In my opinion Oscar Busby is not authorized to represent the company in employment or labor personnel.

Q. And you had no reference to Oscar Busby as a proper representative in Respondent Boswell's 13, is that correct?

A. That is the way I feel about it, yes, sir.

Q. And I will ask whether or not you had any reference to Rube Lloyd as a proper representative in Respondent Boswell's 13.

A. You have in mind you are continuing to require me to answer questions like I wrote the docu-



(Testimony of Louis T. Robinson.)

ment. I would like to get in the fact I am giving you my opinion.

Trial Examiner Lindsay: Mr. Robinson, that statement is unnecessary because I told you that was not the theory.

The Witness: On the basis of that——

Trial Examiner Lindsay (Interrupting): Answer the question.

The Witness: On the basis of that I will be glad to [2465] answer.

Mr. Clark: May I have the last few words of that answer, Mr. Examiner?

Trial Examiner Lindsay: Yes.

Read the answer.

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: Answer the question.

The Witness: I don't believe there is any pending. I don't know.

Trial Examiner Lindsay: I mean as they are asked of you.

Q. (By Mr. Mouritsen) And I will ask you again, Mr. Robinson, if when you posted Respondent Boswell's 13 you referred there—you considered Rube Lloyd as a proper representative of the company.

A. I did not consider him a proper representative.

Q. Mr. Robinson, I will direct your attention to the conversation that you had with Mr. Prior on

(Testimony of Louis T. Robinson.)

or about September 2nd, 1938, and ask you if you recall testifying about such a conversation?

A. Yes, sir.

Q. And do you recall testifying in that conversation about Mr. Gilmore?      A. Yes, sir. [2466]

Q. Do you recall testifying in that conversation that you had heard that Mr. Gilmore was working with Mr. Prior in the organization of the union?

A. I recall testifying that his name came up in the conversation, and perhaps I heard that. I don't recall just how we came to discuss that phase of it.

Mr. Mouritsen: May I direct counsel's attention to page 2400 of the official transcript, line 25.

Mr. Clark: This is part of Mr. Robinson's testimony?

Mr. Mouritsen: Of yesterday, yes.

Mr. Clark: I suggest, then, he be allowed to follow you with a copy of the transcript, if you are going to read it.

Mr. Mouritsen: Yes. Do you have that?

Mr. Clark: I have page 2400.

Mr. Mouritsen: And line 25?

Mr. Clark: Yes.

Q. (By Mr. Mouritsen) Now, Mr. Robinson, I will show you page 2400 of the official transcript, line 25.

Question, I believe, by Mr. Clark. And he asked you: "And how was it that Gilmore's name came into the conversation at all, Mr. Robinson, if you remember?"

(Testimony of Louis T. Robinson.)

And the answer by yourself: "I don't recall. I have a recollection, rather, that I heard that Mr. Prior was working with Mr. Gilmore. I might have brought it up myself."

Do you recall so testifying yesterday? [2467]

A. Yes, sir.

Q. And your recollection was that you had heard that Mr. Gilmore was working with Mr. Prior, isn't that correct?

A. That is correct.

Q. And the date was around September 2nd or thereabouts that you had the conversation with Mr. Prior, isn't that correct?

A. That is correct.

Q. Now, how long before that had you heard that Mr. Gilmore was working with Mr. Prior?

A. I do not recall; the first knowledge that I had that Mr. Prior was endeavoring to form a union was some time after the American Legion Hall meeting in July, so the best I could say would be between the two dates.

Mr. Clark: Between what?

Mr. Mouritsen: Between the two dates.

Q. What is your best recollection in the matter as to when you first heard that Mr. Gilmore was working with Mr. Prior?

A. I could give no better recollection than I have already given you.

Q. Well, wasn't it immediately after the meeting at the American Legion Hall in July was held that you first heard about Mr. Gilmore working with Mr. Prior?

A. It might have been. I don't definitely recall.

(Testimony of Louis T. Robinson.)

Mr. Clark: I think the record shows that meeting was [2468] held July 13th, Mr. Mouritsen.

Mr. Mouritsen: I believe it so indicates.

Mr. Clark: Yes.

Q. (By Mr. Mouritsen) Now, directing your attention, Mr. Robinson, to the conference of January 17, 1939, at which Mr. Maurice Howard was present and Mr. Bill Boswell and a number of other employees, do you have that conference in mind about which you testified yesterday?

A. Yes, sir.

Q. Now, I will ask you whether or not Bill Boswell took any part in that conference?

A. I am reasonably certain he did. I don't recall exactly what he said.

Q. Let me ask you, then, didn't Mr.—at that time when Mr. Spear described the incident with reference to himself that had taken place on November 18, 1938, didn't Mr. Boswell make some statement?

A. I do not recall whether he did or not. [2469]

Q. Didn't he state after Mr. Spear had described the incident of November 18th, 1938—didn't he say, "Well, there wasn't any violence that had occurred at that time?"

A. I don't recall that statement.

Q. Well, do you recall anything that he said in that regard?

Mr. Clark: This is Mr. Bill Boswell?

Mr. Mouritsen: This is Mr. Bill Boswell.

(Testimony of Louis T. Robinson.)

The Witness: I don't believe I do, although I feel certain Mr. Boswell took part in the conversation.

Q. (By Mr. Mouritsen) Now, I will ask you, Mr. Robinson, if you have investigated the occurrences of November 18th, 1938, at which—at the time when this meeting took place, and after which a number of the Union employees left the plant? Did you make an investigation of that situation?

A. I didn't go out and make a special investigation, but I made inquiries and heard reports on it.

Q. What did you do? Call a number of the men into the office, is that correct?

A. No, I didn't.

Q. How did you make your investigation?

A. The principal investigation was through Mr. Hammond, and I talked to other parties about it, principally Mr. Hammond and Mr. Boswell and Mr. Armour.

Q. And that is Bill Boswell?

A. Yes, sir. [2470]

Q. And Gordon Hammond? A. Yes, sir.

Q. And what is Mr. Armour's first name?

A. Albert.

Q. Elbert; E-l-b-e-r-t? A. A-l-b-e-r-t.

Q. When did you make this investigation regarding the incident of November 18th, 1938?

A. Well, I testified I didn't make any special investigation, just——

Q. (Interrupting): You have outlined to us

(Testimony of Louis T. Robinson.)

what you did do. I want to know when you did the things you have described?

A. The events of that day were discussed by me with these parties immediately following it, anyway. Mr. Boswell wasn't there on November 18th. Mr. Hammond wasn't there at the time they occurred. He had been there earlier in the morning; and other than what I have already testified, I would think that the investigation was mostly after November 18th.

Q. Well, now, as a matter of fact, Mr. Robinson, you went right out of your office after the meeting to find out what happened, didn't you?

A. No, sir.

Q. Didn't you go right out to the yard and see what these employees were doing?

A. No, sir. [2471]

Q. Well, didn't you tell the employees you would be out and see what was happening at that time?

A. I told the employees to go out and start to work, and to cool down, and after awhile I would come out and see if it was straightened out.

Q. Well, now, what was your investigation on November 18th of that situation? Just what did you do to find out what had happened?

A. Before I thought it was the proper time to go out and try to straighten it out, as I had promised, I heard the Union men had left the plant.

Q. Well, now, what investigation of that occurrence did you make on November 18th, 1938?

A. I didn't make any special investigation.



(Testimony of Louis T. Robinson.)

Q. I don't want a special investigation. I want to find out if you made any investigation at all of the happenings of the morning of November 18th, 1938?

A. I don't recall any investigation of that specific incident. I didn't go out of the office around the plant talking to any group of employees about that incident that day, or any other day, for that matter.

Q. Well, did you talk with Mr. Armour on November 18th about the happenings that had taken place on that morning?

A. I am satisfied I did, but I don't recall any particular conversation about it. Mr. Armour's office is next to mine, and [2472] I would say he is in my office about half of the day.

Q. Weren't you convinced on November 18th, 1938, that physical violence had been done some of these Union men?

A. Well, I thought they had been more violent than I later found out actually occurred, yes, sir.

Q. But at least—strike that.

On November 18th you thought there had been considerable violence done these Union men, is that correct?

A. I didn't think any of them had been hurt, but I thought it had been a little rougher than Spear told me it was.

Q. Despite the fact that you knew there had been some violence, you still didn't go out to the

(Testimony of Louis T. Robinson.)

employees to see what had taken place, is that correct?

Mr. Clark: Objected to on the ground it is argumentative. It has already been asked and answered.

Trial Examiner Lindsay: He may answer.

The Witness: I intended to go out.

Trial Examiner Lindsay: The point is, did you? That is the question.

The Witness: No, I did not. [2473]

Q. (By Mr. Mouritsen) Now, Mr. Robinson, in Board's Exhibit 24, which I show you, you made the statement——

Mr. Clark (Interrupting): Which letter is that?

Mr. Mouritsen: Board's Exhibit 24, from Robinson to the Boswell Company, attention J. G. Boswell.

In the letter you say as follows: "They, therefore, took the three union men and bodily threw them off the property."

Q. What was the basis for that statement to Mr. Boswell?

A. The basis for that statement at that time was that I was under the impression that they had pushed all of those men across the property over to these offices.

Q. Now, isn't it your usual practice to have a substantial basis for any statements or reports that you make to your superiors?

(Testimony of Louis T. Robinson.)

Mr. Clark: Objected to upon the ground it is argumentative, Mr. Examiner.

Trial Examiner Lindsay: I think he may answer that.

The Witness: It is a good practice and I usually try to follow that, yes.

Q. (By Mr. Mouritsen) Now, also in Board's Exhibit 24 you make the statement—well, I will read from the statement that I read to you before:

“The employees then came to see me in a body and demanded that I fire the union men. They were pretty well worked up and I [2474] endeavored to calm them down and persuaded them to go back to work, both union and non-union. They did go back to work but the non-union men evidently kept a little pressure on the union men and in a few minutes the union men left their jobs.”

I will ask you what was the basis for that last sentence of Board's Exhibit 24 that I read to you?

A. The main basis was that Farr called me and told me the union men had left their jobs.

Q. And you were satisfied at that time that you wrote Board's Exhibit 24 to Mr. J. G. Boswell that pressure had been put on the union men after they returned to their jobs, is that correct?

Mr. Clark: Objected to on the ground it is ambiguous as to what pressure is and simply states—

Mr. Mouritsen (Interrupting): Very well.

Q. I will ask you what did you mean by the use of the word “pressure” in that letter to Mr. J. G. Boswell, Mr. Robinson?

(Testimony of Louis T. Robinson.)

A. I meant that the union men had gone back to work at my request and that they had later left the job.

Q. Well, what do you mean by the use of the word "pressure" in that letter, and that is Board's Exhibit 24?

A. I would say that I meant that the union men had thought it was best to leave the job and go to their homes.

Q. Well, what sort of pressure, though? What do you mean [2475] by that term? I don't think you have answered my question.

A. There was certainly a dispute there between the two groups of employees, and all the actions of that morning indicated that there was pressure by one group on the other group, and vice versa.

Mr. Mouritsen: I move that the answer go out as not responsive.

Trial Examiner Lindsay: Well, it may stand and you may question further on that.

Q. (By Mr. Mouritsen) As a matter of fact, Mr. Robinson, didn't you mean by the use of that word "pressure" that Bill Robinson and Kelly Hammond had gone in and shut off the motors of the machines that these men were running?

A. No, I didn't know that at the time of the dispute.

Q. When did you write the letter of Board's Exhibit 24?

A. To the best of my recollection right after the noon of November 18th.

(Testimony of Louis T. Robinson.)

Q. When was it? After lunch?

A. I do not believe I could fix it more definitely. I would say my best recollection is about the middle of the afternoon.

Q. What would that be, about 2:00 or 3:00 o'clock?

A. About 2:00 or 3:00 o'clock.

Q. Now, Mr. Robinson, prior to the time when you wrote Board's Exhibit 24, then, the non-union men had appointed what you term a committee in Board's Exhibit 24 and that committee [2476] had been in to see you, isn't that correct?

A. (Nodding head affirmatively.)

Mr. Clark: I suggest you let the witness look at the reference in the letter.

Trial Examiner Lindsay: He may answer.

The Witness: That is correct.

Q. (By Mr. Mouritsen) You see the letter that I refer to there and the committee there, Mr. Robinson?

A. (Examining document) Yes, sir. [2477]

Q. Surely.

They had been in to see you before you wrote Board's Exhibit 24, isn't that correct?

A. That is correct.

Q. Now, I believe you testified before that Mr. Busby, Mr. Lloyd and Mr. Sitton were the three men from the plant who came in to see you, isn't that correct?

A. That is my best recollection.

Q. And they work during the daytime, don't they?

A. Yes, sir.

(Testimony of Louis T. Robinson.)

Q. And they did at that time, didn't they?

A. Yes, sir.

Q. And I will ask you if they didn't leave the plant during working hours for the purpose of making this excursion to Hanford to see the District Attorney?

A. It would certainly appear that way.

Q. Isn't it a fact they did that?

A. I think it is.

Q. Didn't they obtain permission from you to do that, Mr. Robinson?

A. No definite permission that I recall.

Q. It was done with your assent, though, isn't that correct?

A. I don't recall a request. I will state if they had asked for it, I would have given it to them.

Q. And as a matter of fact, you never reprimanded them or [2478] deducted anything from their pay for taking their time off? A. No, sir.

Q. They were paid for the time they went over and asked the District Attorney about setting up this Company Union, isn't that correct?

A. That is correct.

Q. Now, at the time when they called on you, that is, referring to these three men, didn't they say something to you about holding a meeting in the plant that evening? A. Not that I recall.

Q. What is your best recollection as to when you first heard that there was going to be a meeting of the employees in the plant that night?



(Testimony of Louis T. Robinson.)

A. My best recollection is quite late—I just don't recall exactly when I heard that, or who I heard it from. I might have heard it from these men. I don't know.

Q. Is it your recollection that you had or had not left the plant at the time you heard there was to be a meeting of the employees in the plant that night? A. I don't believe I follow that.

Q. What is your recollection? Had you heard it before you left the plant, or after you left the plant?

A. Do you mean before the end of the day's work?

Q. Strike that.

When did you leave the plant on November 18th, 1938? [2479]

A. Oh, I don't recall. My usual hour is around 5:00 o'clock.

Q. And your best recollection is that you left about 5:00 o'clock on that day, is that correct?

A. I have no exact recollection as to when I left.

Q. Very well.

Now, I will ask you what is your best recollection as to whether you heard that there was to be a meeting of the employees in the plant before or after you left the plant on that day?

A. My best recollection is before.

Mr. Clark: That is, that he heard it before?

Trial Examiner Lindsay: Yes, before he had left the plant.

(Testimony of Louis T. Robinson.)

Q. (By Mr. Mouritsen) Now, Mr. Robinson, it is possible—I think you said that three employees who saw you earlier in the day told you that there was going to be a meeting of the employees in the plant that night, is that correct?

A. That is possible. I don't have a definite recollection on it.

Q. Well, as a matter of fact, Mr. Robinson, you knew that there was going to be a meeting of the non-Union men in the plant before you wrote Board's 24, didn't you?

A. That would certainly appear from the letter. I still don't have an exact recollection as to when I did know that. It was certainly prior to the time I wrote the letter, because the letter indicates it. [2480]

Q. And, as a matter of fact, then you knew that there was going to be a meeting of the non-Union men in the plant before 2:00 or 3:00 o'clock in the afternoon, isn't that correct?

A. That is my best recollection, although no definite statements had been made to me in that regard that I recall.

Q. Now, at the time when you saw the three men, Busby, Sitton and Lloyd, I will ask you if you didn't discuss with them the setting up of a Company Union? A. I did not.

Q. Now, I will ask you at that time whether you didn't discuss with them——

(Testimony of Louis T. Robinson.)

Mr. Clark (Interrupting): Now, just one minute, Mr. Examiner. The term "Company Union" has been bandied about here all through this hearing, and I would like it understood there is no legal significance to be attributed to Mr. Mouritsen's use of the term.

Mr. Mouritsen: I will call it an independent union from now on.

Mr. Clark: I would just as soon you call it a Company Union as it is a convenient way of designating it. As your Honor knows, there are certain things which flow from that definition, and I don't want to be held by those.

Trial Examiner Lindsay: I haven't so considered it that way, Mr. Clark.

Mr. Clark: Very well. With that understanding, we can continue to use the term. [2481]

Q. (By Mr. Mouritsen) I will ask you, Mr. Robinson, if at that meeting with Busby, Lloyd and Sitton, they didn't tell you that the Caminol Company and the Lucerne Creamery had handled the trouble, or a similar trouble in the same way.

A. My recollection is that they told me the District Attorney told them that.

Q. And it was—strike that.

Now, in your letter, Board's 24, you make the statement, Mr. Robinson, as follows: "I have suggested to some of the cooler heads that at the meeting tonight they appoint a committee to talk with the union men that were run off the job this morn-

(Testimony of Louis T. Robinson.)

ing and offer to allow them to come back and to work on some basis as might be agreed on at the meeting of the employees tonight.”

Did you follow me while I read that?

A. Yes, sir.

Q. That is correct as I read it, isn't it?

A. Yes, sir.

Q. I will ask you who were the cooler heads to whom you made that suggestion.

A. I just don't recall the exact parties that I made that suggestion to but I would rather think perhaps it was those three parties, I presume.

Q. That is your best recollection, is that correct?

A. That is my best recollection. [2482]

Mr. Clark: Mr. Examiner, may we take a recess? It is five minutes after 11:00.

Trial Examiner Lindsay: Yes.

(At this point a short recess was taken, after which proceedings were resumed as follows:)

Trial Examiner Lindsay: Hearing called to order. You may proceed.

Q. (By Mr. Mouritsen) Now, Mr. Robinson, I believe that you stated that although you didn't make a complete investigation of the matter of the incident of November 18, 1938, on that day you subsequently did make an investigation, is that correct?

A. I think I said, Mr. Mouritsen, I didn't make a special investigation that day and I never did myself go out to the plant and make a special in-

(Testimony of Louis T. Robinson.)

vestigation by talking to the different parties who participated in it. I gathered the information from different sources.

Q. Now, did you ever take any disciplinary actions against those men who had ejected the union men on that day?

Mr. Clark: Objected to upon the ground it is incompetent, irrelevant and immaterial and calls for a conclusion by this witness, Mr. Examiner, concerning facts which are to be passed upon by you, namely, as to whether or not the matters testified to by the union men themselves in this proceeding constitute an eviction. [2483]

In other words, we have the testimony in this case from the men themselves as to what happened to them and I haven't made this objection to the former questions asked Mr. Robinson because I understood that they were directed to his understanding at the time he wrote the letter of November 18th, so I didn't make this objection. Now the question just asked assumes that there was an eviction and I submit that calls for a conclusion of this witness.

Trial Examiner Lindsay: Well, just reframe your question.

Q. (By Mr. Mouritsen) I will ask you then, Mr. Robinson, did you ever take any disciplinary action against the men whom you described as having bodily thrown union men off the property?

Mr. Clark: I object to that as being incompe-

(Testimony of Louis T. Robinson.)

tent, irrelevant and immaterial and ask that that objection be deemed to run to this entire line of testimony.

Trial Examiner Lindsay: He may answer.

The Witness: Will you read the question?

(The record referred to was read by the reporter, as set forth above.)

The Witness: I didn't discharge anybody and I didn't deduct any salary from them, but we did register disapproval of that action.

Q. (By Mr. Mouritsen) How did you do that, Mr. Robinson? [2484]

A. By the action of the company, by talking to the men and by posting these notices to show that we didn't approve of that action.

Q. What notice did you post to show that you didn't approve of that action?

A. I have reference to Mr. Larson's notice.

Q. And who if anyone talked to the men about having bodily thrown union men off the property?

Mr. Clark: Now, just one other interruption, Mr. Examiner, which I would rather not make, but may the record show that the reference to the men being bodily thrown off the property in Mr. Mouritsen's questions and which are answered by this witness and therefore adopted by him in part comes from the statement by Mr. Robinson to that effect in the letter of November 18th, which I think is Board's Exhibit No. 24.

Trial Examiner Lindsay: That is correct.



(Testimony of Louis T. Robinson.)

Mr. Clark: Very well.

Mr. Mouritsen: The witness' own language.

Mr. Clark: It is in that letter.

Trial Examiner Lindsay: The letter speaks for itself. Proceed. We know it is in the letter.

Mr. Clark: That is all I wanted clear.

Trial Examiner Lindsay: The record so shows.

Now may I have the question, please? [2485]

(The record referred to was read by the reporter, as set forth above.)

The Witness: There was no assembly of the men called and no talk made to all of them at the same time.

Q. (By Mr. Mouritsen) Did you ever talk to any of the men about their actions on November 18, 1938, or any of them?

A. There was no special meeting called for that purpose.

Q. Did you talk to any single man regarding that incident on November 18, 1938?

A. I don't recall any particular conversation, but in talking with the men at times, I let it be known that I didn't approve of that action.

Q. Now, can you give us the name of a single man to whom you registered disapproval of their action on November 18, 1938?

A. I can't give you the name of a single man and tie it to a particular conversation, because I don't remember any specific conversation. [2486]

(Testimony of Louis T. Robinson.)

Q. Now, did Mr. Gordon Hammond ever tell you that he had talked to any of the men about their having bodily thrown Union men from the plant on November 18th, 1938?

A. Will you read that?

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: I object to that upon the ground it is complex, and calls for testimony which should be elicited from Mr. Hammond, and it also involves a conclusion which is not supported by the record, Mr. Examiner, namely, that anyone was bodily thrown from the premises. This record does not show that.

Trial Examiner Lindsay: I understand he is only using that as a term used in the letter by this witness himself. I fully understand, and I am sure the record fully describes the situation.

Now, may we have the question again? I am sorry, Mr. Reporter.

(The record referred to was read by the reporter, as set forth above.)

The Witness: Mr. Hammond made his report to me, and he told me information that I had already learned from other sources of the events, had not been as bad as I thought they were at the time I wrote that letter, and we agreed that we would do everything we could do to discourage anything of that kind and [2487] to promote peace among all the employees.

(Testimony of Louis T. Robinson.)

Mr. Mouritsen: You still haven't answered my question, Mr. Robinson.

Q. Did Mr. Hammond ever tell you that he had talked to any of these men about the incident of November 18th, 1938?

A. I don't recall——

Mr. Clark (Interrupting): Let me have that, please? May I have it re-read, please?

Trial Examiner Lindsay: Yes. It is the same question. Read it, please.

The record referred to was read by the reporter, as set forth above.)

The Witness: I don't recall any specific conversation by Mr. Hammond in that regard.

Q. (By Mr. Mouritsen): Now, other than the events that you have described, was any further disciplinary action taken with reference to the men who, as you say, bodily threw the Union men from the plant on November 18th, 1938?

My reference, of course, is to Board's 24, which the witness himself wrote.

Mr. Clark: Mr. Examiner, I am going to object to this manner of examining this witness, or bootlegging into the record continuously a statement that men were bodily thrown out of the plant, when that is not supported by the testimony of the very men themselves. The record in this case, and the testimony [2488] of the men who left the plant on that day show that Mr. Robinson was mistaken in his letter of November 18th, and it seems to

(Testimony of Louis T. Robinson.)

me that subject has been exhausted, and I think it is an improper method of examining this witness to continually use that phrase.

Trial Examiner Lindsay: Well, just change your phrase, Mr. Mouritsen.

As I understand it, he was just repeating what the witness himself stated in the letter.

Q. (By Mr. Mouritsen): Well, I will ask you then, Mr. Robinson, was any further disciplinary action ever taken with reference to the non-union men for their actions on November 18th, 1938 with reference to the Union men?

A. Not that I recall.

Q. Do you recall when, on November 18th, 1938, you received Board's Exhibit 25, I believe—that is the inter-office memoranda from Mr. Hammond to yourself?

A. No, I don't. My recollection is that I saw a long hand report by Mr. Hammond before that was typed up by one of the stenographers.

Q. Can you recall the time of day when you saw the long hand report from which Board's 25 was typed? A. No, I don't believe I can.

Q. Was that in the morning or in the afternoon? A. I don't recall that. [2489]

Q. Did Mr. Gordon Hammond return to the plant on November 18th, 1938, before you left for the day? A. No, he did not.

Q. Mr. Gordon Hammond is in charge of the plant, I believe you said, is that correct?

(Testimony of Louis T. Robinson.)

A. That is correct.

Q. And how long has he been in charge? I believe you stated that before, but I have forgotten.

A. He has been in charge for fourteen years.

Q. I will ask you if Mr. Gordon Hammond, on a number of occasions during 1938, absented himself from the plant?

A. It is very customary for Mr. Hammond to absent himself from the plant, but usually on business. This particular occasion was not on business.

Mr. Clark: May I have it indicated, Mr. Examiner, what this particular occasion refers to?

Trial Examiner Lindsay: I am sure we all refer to the 18th of November, 1938.

Mr. Clark: Very well.

Trial Examiner Lindsay: Is that right, Mr. Witness?

The Witness: That is correct.

Q. (By Mr. Mouritsen): Mr. Robinson, I will ask you if it is the usual practice for the Company to send Registered letters to their employees informing them that they are laid off?

A. No, it is not. [2490]

Q. Is it the usual practice to send Registered letters to employees informing them that their employment is terminated?

A. No, it is not.

Mr. Mouritsen: I think that is all.

Redirect Examination

Q. (By Mr. Clark): Do you know why it was

(Testimony of Louis T. Robinson.)

that Gordon Hammond was absent from the plant on November 18th of last year?

A. Yes, I do.

Q. Please state why that was?

A. Mr. Hammond told me before he left the plant that some of his people, I think his mother, was ill, and that he wanted to take her to Los Angeles and put her on the train at Los Angeles.

Q. I see.

Will you tell us why it was that the Registered letters marked Boswell's Exhibits 14 to 20 inclusive, in this case, were sent on or about the dates they bear to Mr. George Andrade, Mr. L. E. Ely, Mr. E. C. Powell, Mr. R. K. Martin, Mr. H. N. Wingo, Mr. L. A. Spear and Mr. O. L. Farr?

A. These men were being paid for work they were not actually performing, and they were not available at the plant to tell them that their employment was being terminated, so we thought it wise to mail them letters so there would be no misunderstanding about the amount of pay they might have coming.

Q. All right.

Why were the letters registered, if you know? [2491]

A. To be positive that they had been received by those parties.

Q. Yes.

In the usual case, am I correct in stating that when a particular job has run out, that the employee is notified right at the plant?



(Testimony of Louis T. Robinson.)

A. That is correct.

Q. In other words, he is there working at the time, isn't he?      A. Yes, sir.

Q. Now, will you please tell me whether there is any set program or schedule at the Corcoran plant of the J. G. Boswell Company for the operations of the oil mill?

A. No, there is no set program. We operate the oil mill according to the amount of seed that we have and the market conditions as we judge them to be. [2492]

Q. All right.

And are there any other factors which enter into a decision on the part of the company to operate the mill at any given time?

A. No major factors that I know of.

Q. Well, suppose some of the seed in storage should become what is known as "hot."

A. Absolutely, regardless of market conditions the oil mill would be started up to run out those hot seed or else we would lose all the seed.

Q. I see.

What do you mean by "hot seed"?

A. Hot seed—if the seed contains more than about 8 per cent moisture when it is put in storage they ordinarily will heat up, the same thing as baling wet hay. It is kind of a combustion condition that occurs from the moisture in the seed.

Q. I see.

And when any of the seed in storage becomes hot,

(Testimony of Louis T. Robinson.)

is it then necessary to run the oil mill for a time sufficient to mill that particular amount of seed?

A. Yes. If you do not mill that particular amount of seed, they will turn to carbon.

Q. I can't hear.

A. If you don't mill that particular lot of seed, they will [2493] turn to carbon.

Q. I see.

Now, in addition to market conditions and the situation you have just described, are there any other factors which enter into any determination by the company to run the oil mill at any given period?

A. None that I know of. That determination, of course, is principally made at the head office.

Q. I see.

Well, how about furnishing feed for cattle?

A. That is important. We run a big cattle yard there. The purpose of it, one of the main purposes is to furnish an outlet for the cottonseed cake which is a by-product of the cottonseed, and it is important that we keep feed for cattle there all the time. We would naturally go quite a long ways to get our own feed rather than go out in the open market and buy someone else's.

Q. I see.

So am I correct in stating that on some occasions the mill would run for a day or so to furnish feed when it becomes necessary to do it?

A. That is correct.

(Testimony of Louis T. Robinson.)

Q. There is no set program for operating that mill, is that true?

Mr. Mouritsen: Objected to as already asked and answered. [2494]

Mr. Clark: Withdraw it.

Trial Examiner Lindsay: Sustained.

Mr. Clark: All right.

Q. Now, with respect to the document which has been marked Board's Exhibit 11, or rather—I think Board's Exhibit 11—no, I am wrong, Boswell's, Respondent Boswell's Exhibit 13, which is the notice to employees concerning which Mr. Mouritsen examined you on your cross examination, I will ask you, Mr. Robinson, whether or not Mr. Larson approved that notice before it was posted.

A. He did.

Q. Did he agree to the change which was made in it and which you testified to on your cross examination?

A. He did.

Q. Did he accept that?

A. He did.

Q. At the time Mr. Larson called on you in your office, did he represent himself to be an authorized representative of the National Labor Relations Board?

A. Yes, sir.

Q. Was the posting of that notice pursuant to any suggestion or instruction by Mr. Larson?

A. It was pursuant to Mr. Larson's request.

Q. All right.

And will you please state whether or not the notice was [2495] in fact posted?

A. It was.

(Testimony of Louis T. Robinson.)

Q. Am I correct in stating it was left published or posted for a period of fifteen days?

A. In excess of fifteen days.

Q. Did Mr. Larson approve the place where the notice was in fact posted?      A. He did.

Mr. Clark: That is all.

#### Recross Examination

Q. (By Mr. Mouritsen): Did Mr. Larson ever see the notice posted?

Mr. Clark: Objected to upon the ground it is incompetent, irrelevant and immaterial; did he see the notice posted.

Trial Examiner Lindsay: Sustained.

Q. (By Mr. Mouritsen): Well, I will ask you, Mr. Robinson, if you have been out to the machine shop since you were last on the stand?

A. Was that yesterday?

Q. The last time prior to yesterday.

A. I don't recall having been out there.

Mr. Clark: Suppose you direct the witness' attention to the testimony he gave in that respect on the other occasion, I think at least a week ago or ten days ago. [2496]

Q. (By Mr. Mouritsen): Well, I will ask you if you have refreshed your recollection or made any examination to ascertain whether or not there is a bulletin board in the machine shop of the Boswell plant.      A. I have not.

Q. And your recollection still is that there is no board in the machine shop on which notices are posted, is that correct?

(Testimony of Louis T. Robinson.)

A. My recollection is that I have never seen one there.

Q. And didn't Mr. Larson at the time when he requested you to post Board's 13 request that you post it on all bulletin board's in the plant?

A. He did not.

Trial Examiner Lindsay: That is Boswell's 13, isn't it?

Mr. Clark: Boswell's 13.

Q. (By Mr. Mouritsen): You so understood I was referring to the notice?

A. That is what my answer is on.

Q. Did you tell Mr. Larson that there was only one bulletin board in the plant?

A. I don't recall telling him that.

Q. Do you recall his asking you whether there was more than one bulletin board in the plant?

A. No, I don't.

Mr. Mouritsen: I think that is all. [2497]

Mr. Clark: No further questions from us, Mr. Examiner.

Trial Examiner Lindsay: That is all.

(Witness excused.)

Mr. Clark: Is Mr. William Boswell in the audience?

Trial Examiner Lindsay: It is so close to noon——

Mr. Clark (Interrupting): He is a very short witness and I would like to get rid of him if I could.

May the record show that Mr. W. W. Boswell is called as a witness on the Associated Farmers' case, Mr. Boswell being the one witness I mentioned yesterday, which was being reserved in the submission of that case.

Trial Examiner Lindsay: All right.

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### WILLIAM W. BOSWELL

called as a witness by and on behalf of the Associated Farmers of Kings County, Inc., having been first duly sworn, was examined and testified as follows:

#### Direct Examination

Q. (By Mr. Clark): Will you state your name, Mr. Boswell?      A. William W. Boswell.

Q. And where do you live, please?

A. Corcoran.

Q. What is your occupation?

A. Oh, I handle the cattle and meal and cake for the Boswell Company. [2498]

Q. And by the "Boswell Company" do you mean the J. G. Boswell Company, the respondent in this proceeding?      A. Yes.

Q. For how long have you held that position?

A. Fifteen years.

Q. Now, directing your attention to the afternoon of a week ago Friday which I believe was June 2nd of this year, and particularly to the time his Honor took a recess in this proceeding during the middle of the afternoon, I will ask you to tell us whether or not you were here in the court room.



(Testimony of William W. Boswell.)

A. Yes, I was present. [2499]

Q. All right.

Now, do you remember that Mr. E. C. Salyer had been testifying in the proceeding just prior to the recess? A. I do.

Q. Immediately upon the recess having been ordered or declared, where did you go?

A. I went out front (indicating).

Q. Now, at that time, Mr. Boswell, were you present at any conversation between yourself, Mr. Lloyd Liggett, Mr. Forrest Riley, Mr. E. C. Salyer, Mr. Painter of my office and myself?

A. I was not.

Q. During that recess at any time, did you hear Mr. E. C. Salyer state in substance or effect the following: "I really got them told, didn't I?"

A. I did not.

Q. Will you please tell us whether or not at any time during that recess and at the time and place just indicated, you heard Mr. E. C. Salyer state in substance or effect, "We all tell the same story, and the case will have to go just as we tell it?"

A. I did not.

Q. Will you please tell us whether or not at any time during that recess and at the time and place just indicated, you heard Mr. Lloyd Liggett state in substance or effect: "I am going to get up and tell the same story that you guys told, and get [2500] plenty tough with them?"

A. I did not.

(Testimony of William W. Boswell.)

Q. All right.

Now, during that recess on Friday afternoon, June 2nd, Mr. Boswell, did you have a conversation with me?      A. I did.

Q. Will you please tell the Examiner all that you remember of that conversation, and who was present?

A. I noticed you walking up in front, and you walked over where we were, Mr. Hanson and my son had some conversation.

Q. What Mr. Hanson was that?

A. Jesse Hanson.

You came over, and I introduced you to Billy, who is my son, and during the conversation with you, I asked you would you come to lunch the next day, and you said, depending upon how long court lasted, and you would like to catch the 11:00 o'clock train if you could; if you felt good the next morning and missed the train, you would certainly be glad to come.

You said, "Do you mean that for my friend, Mr. Painter, too?"

And I said, "Absolutely."

And you walked away, and that is all the conversation I had.

Q. Did you see Mr. E. C. Salyer come up to me at that time?      A. I did not. [2501]

Mr. Clark: That is all.

You may cross examine.

(Testimony of W. Boswell.)

Mr. Mouritsen: No cross examination.

Mr. Clark: One further question.

Did you happen to see Mr. Walter Winslow standing near us at that time?

The Witness: He was not.

Mr. Clark: That is all.

(Witness excused.)

Mr. Clark: Now, does your Honor wish to take a recess at this time?

Trial Examiner Lindsay: Yes, until 2:00 o'clock.

(Thereupon, at 11:55 o'clock a. m., a recess was taken until 2:00 o'clock p. m. of the same date.) [2502]

